



Russia

Country Reports on Human Rights Practices - [2004](#)

Released by the Bureau of Democracy, Human Rights, and Labor
February 28, 2005

The 1993 Constitution established a governmental structure with a strong head of state (President), a government headed by a prime minister, and a bicameral legislature (Federal Assembly) consisting of a lower house (State Duma) and an upper house (Federation Council). The country has a multi-party system, but the pro presidential United Russia party that controls more than two thirds of the State Duma puts majority support within reach for all presidential priorities. President Vladimir Putin was re-elected in March in an election process that the Organization for Security and Cooperation in Europe (OSCE) determined did not meet international standards in a number of respects, particularly in equal access to the media by all candidates and secrecy of the ballot; however, the voting itself was relatively free of manipulation and the outcome was generally understood to have represented the will of the people. The Constitution provides for an independent judiciary, but the executive branch appeared to drive judicial decisions in high profile or Kremlin directed cases. Although also impaired by corruption, the judiciary continued to show greater independence in non politicized cases, and the criminal justice system was slowly undergoing reforms.

The Ministry of Internal Affairs (MVD), the Federal Security Service (FSB), and the Office of the Prosecutor are responsible for law enforcement at all levels of Government. The FSB's core responsibilities are security, counterintelligence, and counterterrorism, but it also has broader law enforcement functions, including fighting crime and corruption. The FSB continued to regard contact with foreigners and the presence of non Orthodox Christians as security issues. The FSB operated with only limited oversight by the Office of the Prosecutor General and the courts. The authorities increasingly dealt with terrorism and other security threats in parts of the country by employing MVD Internal Troops. The primary mission of the armed forces is national defense. The Government employed them in Chechnya, and they are frequently used for civil disturbances. Civilian authorities generally maintained effective control over the security forces. Members of the security forces, particularly within the internal affairs apparatus, continued to commit numerous and serious human rights abuses.

The country had a population of approximately 144 million. The annual gross domestic product grew by 6.9 percent as of October, slightly less than in 2003. Industrial production grew by 4 percent, and real income increased by 5 percent; however, approximately 19 percent of the population continued to live below the official monthly subsistence level of \$82 (2,296 rubles). As of October, official unemployment was 7.5 percent, down from 8.4 percent at the end of 2003. Corruption continued to be a negative factor in the development of the economy and commercial relations.

Although the Government generally respected the human rights of its citizens in some areas, its human rights record was poor in certain areas and worsened in several others. Changes in the parliamentary election laws and a move from election to nomination by the President of regional governors further strengthened the power of the executive branch and, together with media restrictions, a compliant State Duma, shortcomings in recent national elections, law enforcement corruption, and political pressure on the judiciary, raised concerns about the erosion in accountability of government leaders to the people.

The Government's human rights record remained poor overall in the continuing struggle against rebels in Chechnya, where both sides demonstrated little respect for basic human rights. There were credible reports of serious violations, including numerous reports of unlawful killings and of abuse of civilians by both the Government and Chechen rebels in the Chechen conflict. The September massacre of school children and adults in Beslan, North Ossetia, exemplified the gross violation of human rights in the region by terrorist elements. There were reports of both government and rebel involvement in politically motivated disappearances in Chechnya and Ingushetiya. Individuals seeking accountability for these abuses continued to be targeted.

There were credible reports that law enforcement personnel engaged in torture, violence, and other brutal or humiliating treatment, often with impunity. Hazing in the armed forces remained a problem. Prison conditions improved but continued to be extremely harsh and frequently life threatening. Earlier changes in criminal procedures led to further reductions in arbitrary arrest and lengthy pretrial detention, and judges routinely enforced pre trial time limits. Government protection for judges from threats by organized criminal defendants remained inadequate, and a series of cases of alleged espionage caused concerns regarding the lack of due process and the influence of the FSB in judicial proceedings. Amnesty International (AI) has highlighted the case of Igor Sutyagin, whom it has declared to be a political prisoner. Authorities continued to infringe on citizens' privacy rights.

Government pressure continued to weaken freedom of expression and the independence and freedom of the media, particularly major national television networks and regional media outlets which were the primary source of information for most of the

population. The print media remained vibrant and pluralistic, but its impact on public opinion was limited by low circulation numbers. Authorities, primarily at the local level, limited freedom of assembly and imposed restrictions on some religious groups. Societal discrimination, harassment, and violence against members of some religious minorities remained problems despite some government attempts to address these problems. Some local governments restricted citizens' freedom of movement, primarily by denying legal resident permits to new residents from other areas of the country.

Government institutions intended to protect human rights were relatively weak but remained active and public. The Government continued to place restrictions on the activities of both humanitarian non governmental organizations (NGOs) and international organizations in Chechnya, at least in part for security reasons. The authorities regarded some NGOs with increasing suspicion, and the security services and other authorities harassed or threatened to close some local human rights NGOs. Ethnic minorities, including Roma and persons from the Caucasus, Central Asia, Asia, and Africa faced widespread governmental and societal discrimination, and, increasingly, racially motivated attacks. Trafficking in persons, particularly women and girls, remained a serious problem despite progress in combating it. There were some reports of forced labor and child labor.

RESPECT FOR HUMAN RIGHTS

Section 1

Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life

There were no confirmed reports of political killings by the

Government or its agents; however, there continued to be credible reports that the federal armed forces engaged in unlawful killings in Chechnya. Their use of indiscriminate force in areas of Chechnya with significant civilian populations resulted in numerous deaths (see Section 1.g.). The security forces generally conducted their activities with impunity. For example, in May, a jury acquitted Captain Eduard Ullman and three other servicemen of killing six Chechen civilians in 2002; prosecutors have appealed the verdict. However, at least one serviceman was convicted on similar charges. Hazing in the armed forces resulted in the deaths of servicemen (see Section 1.c.).

On July 7, a court in Qatar convicted two Russian intelligence agents of the murder of Zelimkhan Yandarbiyev, a leader of the Chechen separatist movement who had resided in Doha since 2000. Yandarbiyev, whose extradition had been sought by the authorities and who had been placed on the U.N. Security Council's Resolution 1267 Sanctions Committee and declared a terrorist by several countries, was killed on February 13 when a bomb attached to his car exploded. The Government denied that the two agents had been involved in the killing. They were returned to Russian government custody in December.

There were a number of killings of government officials throughout the country, some of which may have been politically motivated, in connection with the ongoing strife in Chechnya or with politics. For example, Ansar Tebuyev, the Deputy Prime Minister of the Karachay Cherkess Republic, was shot and killed in broad daylight on October 18, outside the Republic's Interior Ministry building. Deputy Prosecutor General Fridinskiy reported that as of May, Chechen rebels had killed 11 local administration heads since the anti terrorist operation in Chechnya began.

The press and media NGOs reported that unknown parties killed a number of journalists during the year for reasons that appeared to be related to the journalists' work (see Section 2.a.).

On June 19, Nikolay Girenko, an expert on hate crimes, was killed in his apartment (see Section 5). His colleagues believed the motive for the killing was Girenko's activity as an official expert witness in a number of high profile court cases involving ethnic and religious issues, including the case of the Moscow based Sakharov Center's employees who were charged with inflaming ethnic hatred for hosting an exhibition critical of religion.

On March 18, a jury at the Moscow City Court found Mikhail Kadanyev, ex leader of Boris Berezovskiy's wing of the Liberal Russia party, and three associates guilty in organizing the assassination of prominent Duma Deputy and Liberal Russia party Co Chairman Sergey Yushenkov, who was shot and killed in April 2003. Yushenkov headed a rival wing of Liberal Russia and was killed shortly after announcing that his wing would take part in the December 2003 State Duma elections. Prosecutors argued that Kadanyev and his associates had wanted to take control of Liberal Russia's finances, since Yushenkov had been engaged in rivalry for leadership within his own party. Some observers speculated that the professionally executed killing was motivated by supporters of the Government because Yushenkov had also been an outspoken critic of the Putin administration on a number of issues.

No progress was reported in the investigation of the July 2003 killing of Yuriy Shchekochikhin, a member of the Duma and deputy editor of the Novaya Gazeta newspaper. One of Shchekochikhin's former colleagues at the newspaper told the media in August "no one had conducted a proper investigation." At the time of his death, Shchekochikhin, along with Yushenkov, had begun to investigate allegations of FSB responsibility for a series of 1999 apartment building bombings.

On August 10, the St. Petersburg City Court convicted another suspect in the 1999 killing of St. Petersburg Legislative Assembly

Deputy Viktor Novoselov. That conviction concluded all prosecutions related to this killing.

The St. Petersburg City Court has been hearing a case pertaining to the 1998 killing of Galina Starovoytova, a prominent Duma deputy, since December 2003. Suspects remained in detention at year's end.

On June 10, the Moscow Circuit Military Court again acquitted all the defendants accused of organizing the 1994 murder of Dmitriy Kholodov, military affairs correspondent for the daily newspaper Moskovskiy Komsomolets. On December 6, the Office of the Prosecutor General appealed to the Supreme Court to begin a new trial, although the 10 year statute of limitations on Kholodov's case ended on October 17, making it impossible to sentence the defendants to prison terms even if the June 10 acquittal were overturned (see Section 2.a.).

During the September 1 terrorist attack on a school in Beslan, North Ossetia, at least 338 hostages were killed (see Section 1.g.).

Chechen rebels assassinated Chechen President Akhmed Kadyrov in May, killed numerous civilian officials and militia associated with the federally appointed Chechen administration, and threatened to kill Kadyrov's successor Alu Alkhanov, who was elected on August 29 (see Section 1.g.). Chechen fighters killed a number of federal soldiers whom they took prisoner (see Section 1.g.). Many individuals were kidnapped and then killed in Chechnya during the year (see Sections 1.b., 1.c., and 1.g.). Both sides to the conflict, as well as criminal elements, were involved in these activities. Authorities attributed bombing incidents in Moscow and several cities in southern areas of the country to Chechen terrorists.

Government forces and Chechen fighters continued to use landmines extensively in Chechnya and Dagestan. According to UNICEF estimates, since 1995, approximately 3,100 victims have been killed or wounded by landmines or unexploded ordnance in Chechnya. Over the last year, UNICEF has noted a decline in the number of such incidents, likely as a result of increased awareness.

b. Disappearance

There were reports of extensive government involvement in politically motivated disappearances in Chechnya and Ingushetiya (see Section 1.g.).

Criminal groups in the Northern Caucasus, some of which may have links to elements of the rebel forces, frequently resorted to kidnapping. The main motivation behind such cases apparently was ransom, although some cases had political or religious overtones. The hostage takers held many of their victims in Chechnya or Dagestan.

Arjan Erkel, the head of the Doctors without Borders Mission in

Dagestan, adjacent to Chechnya, was released in April after a ransom of approximately \$1.35 million (1 million euro) was paid to his captors, who remained unknown. This event and overall security problems led many NGOs to limit their activities in the North Caucasus.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution prohibits torture, violence, and other brutal or humiliating treatment or punishment; however, there were credible reports that law enforcement personnel frequently engaged in these practices to coerce confessions from suspects and that the Government did not consistently hold officials accountable for such actions. Neither the law nor the Criminal Code defines torture; it is mentioned only in the Constitution. As a result, it was difficult to charge perpetrators. The only accusation prosecutors could bring against the police was that they exceeded their authority or committed a simple assault.

Prisoners' rights groups, as well as other human rights groups, documented numerous cases in which law enforcement and correctional officials beat and otherwise abused detainees and suspects. Human rights groups described the practice of such abuse as widespread. Numerous press reports indicated that the police frequently beat persons with little or no provocation or used excessive force to subdue detainees.

There was no indication of a return to the widespread use of psychiatric methods against political prisoners. There have been anecdotal reports of psychiatry being used to "cure" followers of non traditional religions. After an investigation, Jehovah's Witnesses denied an NGO report that a number of Witnesses had been involuntarily placed in a psychiatric hospital in Penza.

Cases of physical abuse by police officers usually occurred within the first few hours or days of arrest and usually took one of four forms: Beatings with fists, batons, or other objects; asphyxiation using gas masks or bags (at times filled with mace); electric shocks; or suspension by body parts (for example, suspending a victim from the wrists, which are tied together behind the back). Allegations of abuse were difficult to substantiate because of lack of access by medical professionals and because the techniques allegedly used would leave few or no permanent physical traces. There were credible reports that government forces and Chechen fighters in Chechnya tortured detainees (see Section 1.g.).

Reports by refugees, NGOs, and the press suggested a pattern of police beatings, arrests, and extortion directed at persons with dark skin or who appeared to be from the Caucasus, Central Asia, or Africa, as well as Roma. For example, the press reported that in Novosibirsk four policemen were arrested on suspicion of extorting over \$1 million (28 million rubles) from a Romani family by kidnapping and torturing family members until their demands were met. In November 2003, one Roma was allegedly tortured for 7 hours. The victims did not press charges, but the policemen were eventually convicted on earlier charges of a similar nature.

Police continued to harass defense lawyers, including through beatings and arrests, and continued to intimidate witnesses (see Section 1.e.).

In December, human rights activists investigated mass beatings and detentions by police in Blagoveshchensk, Bashkortostan. According to activist Ildar Isangulov, based on his interviews with residents, residents were beaten because they voted "incorrectly" in the republic's December presidential election. Novaya Gazeta correspondent Marat Khairullin offered Ekho Moskvy a similar account, saying he was convinced the raids were "revenge" against the vast majority of Blagoveshchensk residents who voted against incumbent President Murtaza Rakhimov.

In contrast to previous years, there were no reports of beating of peaceful protesters.

Various abuses against military servicemen, including, but not limited to, the practice of "dedovshchina" (the violent, at times fatal, hazing of new junior recruits for the armed services, MVD, and border guards) continued during the year; however, the Government claims that such practices have declined due to its attention to this problem. Press reports cited serving and former armed forces personnel, the Main Military Prosecutor's Office (MMPO), and NGOs monitoring conditions in the armed forces as indicating that such mistreatment often included the use of beatings or threats of increased hazing to extort money or material goods. Government officials announced that approximately 25 percent of the 11,500 crimes committed in the army during the year were related to hazing. Over the first 6 months of the year, 25 servicemen died due to hazing. During the year, the Moscow Committee of Soldiers' Mothers registered 320 complaints from servicemen. The majority of complaints (264) related to beatings. Servicemen also complained about sexual abuse, torture, and enslavement. Soldiers often did not report hazing to either unit officers or military prosecutors due to fear of reprisals, since officers reportedly in some cases tolerated or even encouraged such hazing as a means of controlling their units. There were also reports that officers used beatings to discipline soldiers whom they found to be "inattentive to their duties." The Union of Soldiers' Mothers Committee (USMC) believed that, as a result of fear of reprisals, the indifference of commanders, and deliberate efforts to cover up such activity, most hazing incidents and assaults were not reported.

Hazing reportedly was a serious problem in Chechnya, particularly where contract soldiers and conscripts served together.

Both the USMC and the MMPO received numerous reports about "nonstatutory relations," in which officers or sergeants physically assaulted or humiliated their subordinates.

Despite the acknowledged seriousness of these problems, the leadership of the armed forces made only superficial efforts to implement substantive reforms in training, education, and administration programs within units to combat abuse.

Prison conditions remained extremely harsh and frequently life threatening. The Ministry of Justice's (MOJ's) Main Directorate for the Execution of Sentences (GUIN) administered the penitentiary system centrally from Moscow, except for the Lefortovo pretrial detention center in Moscow, which was run by the FSB. There were five basic forms of custody in the criminal justice system: Police temporary detention centers, pretrial detention facilities known as Special Isolation Facilities (SIZOs), correctional labor colonies (ITKs), prisons designated for those who violate ITK rules, and educational labor colonies (VTKs) for juveniles. As of June, there were approximately 850,000 persons in the custody of the criminal justice system. Men were held separately from women, as were juveniles from adults.

According to GUIN, the official annual death rate in SIZO was 2,000 persons. Most died as a result of poor sanitary conditions or lack of medical care (the leading cause of death was heart disease). The press often reported on individuals who were mistreated, injured, or killed in various SIZOs; some of the reported cases indicated habitual abuse by officers.

Abuse of prisoners by other prisoners continued to be a problem. Violence among inmates, including beatings and rape, was common. There were elaborate inmate enforced caste systems in which informers, homosexuals, rapists, prison rape victims, child molesters, and others were considered to be "untouchable" and were treated very harshly, with little or no protection provided by the prison authorities.

Penal institutions frequently remained overcrowded; however, there were some improvements. There were no mass amnesties as had been the case in earlier years, but the authorities continued to take longer term and more systemic measures to reduce the size of the prison population. These included the use of alternative sentencing in some regions and revisions of both the Criminal Code and the Criminal Procedures Code that eliminated incarceration as a penalty for a large number of less serious offenses. In December 2003, as a result of these legislative changes, 130,000 sentences were reviewed, leading to the freeing of 7,000 prisoners and the reduction of sentences of 42,000 others. Many penal facilities remained in urgent need of renovation and upgrading. By law, authorities must provide inmates with adequate space, food, and medical attention; with the significant decrease in prison populations, they were coming closer to meeting these standards.

Inmates in the prison system often suffered from inadequate medical care. Public health measures funded by international aid and by the increase of government resources for the prison system's medical budget have reduced the incidence of tuberculosis and HIV. The recently established Public Council in the Ministry of Justice headed by human rights advocate Valeriy Borshchev reported that during the last 3 years, the number of sick prisoners and detainees decreased 27 percent. According to the GUIN, as of January 1, there were approximately 75,000 tuberculosis infected persons and 36,000 HIV infected persons in SIZOs and correction colonies. Nevertheless, tuberculosis infection rates were far higher in detention facilities than in the population at large. The PCPR also reported that conditions in penal facilities varied among the regions. Some regions offered assistance in the form of food, clothing, and medicine. NGOs and religious groups offered other support.

Conditions in SIZOs, where suspects were confined while awaiting the completion of a criminal investigation, trial, sentencing, or appeal, varied considerably, but as a result of legal reforms and other measures, the pretrial population had declined by approximately 50 percent since 2000, virtually eliminating the problem of overcrowding in those institutions. Despite these improvements, however, conditions remained extremely harsh and posed a serious threat to health and life. Health, nutrition, and sanitation standards remained low due to a lack of funding. Head lice, scabies, and various skin diseases were prevalent. Prisoners and detainees typically relied on their families to provide them with extra food. Poor ventilation was thought to contribute to cardiac problems and lowered resistance to disease.

ITKs held the bulk of the nation's convicts. There were 753 ITKs. Guards reportedly disciplined prisoners severely to break down resistance. At times, guards humiliated, beat, and starved prisoners. In the timber correctional colonies, where hardened criminals served their time, beatings, torture, and rape by guards reportedly were common. The country's "prisons" distinct from the ITKs were penitentiary institutions for those who repeatedly violated the rules in effect in the ITKs.

VTKs are facilities for prisoners from 14 to 20 years of age. Male and female prisoners were held separately. In August 2003, GUIN reported that there were 62 educational colonies, 3 of which were for girls. Conditions in the VTKs were significantly better than in the ITKs, but juveniles in the VTKs and juvenile SIZO cells reportedly also suffered from beatings, torture, and rape. The PCPR reported that such facilities had a poor psychological atmosphere and lacked educational and vocational training opportunities. Many of the juveniles were from orphanages, had no outside support, and were unaware of their rights. There also were two prisons for children in Moscow. Boys were held with adults in small, crowded, and smoky cells. Schooling in the prisons for children was sporadic at best, with students of different ages studying together when a teacher could be found.

The Government generally permitted the International Committee of the Red Cross (ICRC) to work throughout the country, and the ICRC carried out regular prison visits and provided advice to authorities on how to improve prison conditions. However, there were limitations on access in the northern Caucasus, where the organization was particularly active. In that region, the Government granted the organization access to some facilities where Chechen detainees were held, but the pretrial detention centers and filtration camps for suspected Chechen fighters were not always accessible to the ICRC or other human rights monitors (see Section 1.g.).

d. Arbitrary Arrest or Detention

The Constitution provides that individuals may be arrested, taken into custody, or detained more than 24 hours, only upon a judicial decision; however, arbitrary arrest and detention remained problems. The Chief Justice of the Russian Supreme Court was quoted in May 2003 as saying that of cases where law enforcement bodies asked courts to approve arrests, 92 percent were approved and 8 percent disapproved. He added that approximately 10 percent of such court decisions were appealed, with 87 percent of the arrests upheld by higher courts. The Criminal Procedures Code gives authorities the means to implement these requirements, and progress was made toward effective judicial oversight over arrests and detentions.

The national police force, which falls under the MVD, is organized on the federal, regional, and local levels. Although regulations and national laws prohibit corrupt activities, they were widespread and there were few crackdowns on illegal police activity. There were reports that the Government addressed only a fraction of the crimes that federal forces committed against civilians in Chechnya (see Section 1.g.). Government agencies such as the MVD have begun to educate officers about safeguarding human rights during law enforcement activities through training provided by foreign governments; however, the security forces remained largely unreformed.

There were credible reports that security forces continued regularly to single out persons from the Caucasus for document checks, detention, and the extortion of bribes. Human rights observers reported that, as part of a broader MVD operation called Hurricane 4, MVD officers in Moscow were instructed in February to investigate residents of the Caucasus, including verifying their proper registration, inquiring of neighbors about their activities, and ascertaining the presence of relatives in the Northern Caucasus. According to NGOs, federal forces commonly detained groups of Chechen men at checkpoints along the borders between Chechnya and Ingushetiya, in targeted operations known as "night raids," or during "mopping up" operations following military hostilities, and severely beat and tortured them.

At least two instances were confirmed in which local officials detained members of Jehovah's Witnesses who were engaged in the public discussion of their religious views, but the individuals were released quickly.

The Criminal Procedure Code limits the duration of detention without access to counsel or family members and renders statements given in the absence of a defense attorney unusable in court; however, there were reports that these reforms were being undermined by the police practice of obtaining "pocket" defense counsel for these interviews and by the overall ignorance

by defense counsel of these provisions.

In June 2003, the Criminal Procedure Code was amended to permit "witnesses" to bring their own attorneys to interviews conducted by the police. This amendment was designed to address the police practice of interrogating suspects without the presence of counsel under the fiction that they were witnesses, and then, after obtaining incriminating statements, declaring the suspects to be defendants. Citizens' ignorance of their new rights was a problem. The Government continued to engage in a public education program to inform citizens of their rights and responsibilities under the system introduced by the Code of Criminal Procedure, such as the right to a lawyer and the obligation to serve on juries when called. The Council of Judges together with the Supreme Court of the Russian Federation and the Russian Information Agency Novosti conducted an educational program called "Public Trust" for citizens that explained the work of the judicial system and citizens' rights.

The Code states that police may initially detain an individual not more than 24 hours before the case must be referred to the prosecutor, and the prosecutor is given 24 hours in which to open or reject the criminal case. At the end of this 48 hour period, a judge must determine whether the suspect should be detained. The Code specifies that within 2 months of a suspect's arrest, police should complete their investigation and transfer the file to the prosecutor for arraignment. A prosecutor may request the court to extend the period of criminal investigation to 6 months in "complex" cases with the authorization of a judge. With the personal approval of the Prosecutor General, the judge may extend that period up to 18 months. Juveniles may be detained only in cases of grave crimes.

Although recently adopted, these procedures were generally respected, although some judges still did not appear to enforce them fully. Judges regularly suppressed confessions of suspects whose confessions were taken without a lawyer present and freed suspects who were held in excess of detention limits, although they usually granted prosecutors' motions to extend the detention period for good cause shown. The Supreme Court overturned a number of cases in which lower court judges granted permission to detain individuals on what the Supreme Court considered to be inadequate grounds.

Some regional and local authorities took advantage of the system's procedural weaknesses to arrest persons on false pretexts for expressing views critical of the Government. Human rights advocates in some regions were charged with libel, contempt of court, or interference in judicial procedures in cases with distinct political overtones. Journalists, among others, have been charged with other offenses and held either in excess of normal periods of detention or for offenses that do not require detention at all (see Sections 2.a. and 4).

Significant reforms occurred in law enforcement and judicial procedures; however, the apparently selective arrest and detention of prominent businessman Mikhail Khodorkovskiy on the eve of parliamentary elections raised a number of concerns over the arbitrary use of the judicial system.

An international NGO delegation that visited two psychiatric hospitals during the year noted that there was no judicial process for commitment that provided individuals subject to commitment with the right to appear before a court for a determination of the legality of their commitment. According to the Code of Criminal Procedure, such individuals may appear in court unless their mental state does not allow it; however, in such cases the appearance of their legal guardians (relatives, adoptive parents, caretakers) is obligatory.

On at least one occasion, the authorities held relatives of a wanted Chechen rebel leader, apparently forcing his surrender (see Section 1.g.). Relatives of Chechen terrorist Shamil Basayev and Chechen separatist leader Aslan Maskhadov were taken into what authorities claimed to be protective custody in September during the Beslan school seizure, although human rights groups said this action was intended as retaliation for the seizure of the school. Domestic and foreign human rights observers criticized an October suggestion by the Prosecutor General that a policy of seizing the relatives of hostage takers would reduce the incidence of hostage taking.

e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary, and there were some signs of judicial independence; however, the judiciary did not act as an effective counterweight to other branches of the Government. The Criminal Procedure Code provides for strengthening the role of the judiciary in relation to the Prosecutor General by requiring judicial approval of arrest warrants, searches, seizures, and detention (see Section 1.d.). According to press coverage of the 6th Congress of Russian Judges, which was held in the end of November, the average monthly salaries of different level of judges ranged from approximately \$430 (12,000 rubles) to approximately \$1,100 (30,000 rubles). In an address to judges at the Congress of Judges President Putin promised to at least double the salaries "in the very near future." However, judges remained subject to influence from the executive, military, and security forces, particularly in high profile or politically sensitive cases. The judiciary continued to lack sufficient resources and was subject to corruption. Authorities did not provide adequate protection from intimidation or threats from powerful criminal defendants.

The judiciary is divided into three branches. The courts of general jurisdiction, including military courts, are subordinated to the Supreme Court. These courts hear civil and criminal cases and include district courts, which serve every urban and rural district, regional courts, and the Supreme Court. Decisions of the lower trial courts can be appealed only to the immediately superior court unless a constitutional issue is involved. The arbitration (commercial) court system under the High Court of Arbitration constitutes a second branch of the judicial system. Arbitration courts hear cases involving business disputes between legal entities and between legal entities and the State. The Constitutional Court (as well as constitutional courts in a number of

administrative entities of the Russian Federation) constitutes the third branch.

The President approves judges after they have been nominated by the qualifying collegia, which are assemblies of judges (including some public members). President Putin rejected 160 candidates to federal judicial positions in 2003. After a 3 year trial period, the President must again confirm the judges. The collegia also had the authority to remove judges for misbehavior and to approve prosecutors' requests to prosecute judges.

Justices of the peace, introduced beginning in 1998, deal with criminal cases involving maximum sentences of less than 3 years and some civil cases. In some regions where the system has been fully implemented, justices of the peace assumed 65 percent of federal judges' civil cases and up to 25 percent of their criminal matters, which may have contributed to easing overcrowding in pretrial detention facilities (see Sections 1.c. and 1.d.). There were some justices of the peace at work in all regions except Chechnya. As of June, there were 5,500 justices of the peace and 1,053 vacancies.

Judges remained subject to intimidation and accepted bribes from officials and others. Some steps were taken to remove a number of corrupt judges. The Highest Qualifying Collegia of Judges recorded 18,749 complaints filed against judges in 2003. A total of 118 judges received "warnings," 36 were fired, and 6 criminal cases were started against judges. In the fall, three Moscow judges were put on trial for their involvement in apartment frauds.

The Constitution provides for the right to a fair trial; however, this right was restricted in practice. Assessments of the effects of the 2002 Criminal Procedure Code on this process remained mixed. Abuses of the right to a fair trial declined; however, numerous critics argued that the country remained far from having a truly adversarial criminal procedure.

The 2002 Criminal Procedure Code provides for the nationwide use of jury trials. By January 1, all regions except Chechnya had implemented jury trials, although juries heard only 1 percent of cases. In 2003, oblast courts conducted 496 jury trials involving approximately 1,000 defendants. In contrast to trials conducted by a judge, 0.8 per cent of which ended in acquittal in 2003, 15 percent of cases tried by juries ended in acquittals (although one quarter of these verdicts were reversed on appeal).

According to Ministry of Justice official statistics, in 2003 criminal defendants in 45,500 cases (8.6 percent of all completed criminal cases) made use of a formal procedure introduced in 2002 and subsequently broadened by which guilty pleas resulted in shorter sentences and abbreviated trials for crimes carrying penalties of less than 10 years.

The Criminal Procedures Code and Federal Defense Bar statute provide for the appointment of a lawyer free of charge if a suspect cannot afford one; however, this provision often was not effective in practice. The high cost of competent legal representation meant that lower income defendants often lacked competent legal representation. There were no defense attorneys in remote areas of the country. Public centers, staffed on a part time basis by lawyers, continued to offer advice at no cost on legal rights and recourse under the law; however, they were not able to handle individual cases.

The Independent Council of Legal Expertise reported that defense lawyers continued to be the targets of police harassment. Professional associations at both the local and federal levels reported police efforts at intimidation of attorneys and efforts to cover up their own criminal activities. For example, in November 2003, Olga Artyukhova, one of Mikhail Khodorkovskiy's lawyers, was searched at the correctional facility immediately following a visit with her client. During this search correctional officers seized Artyukhova's notes. In March, a similar incident involving Yevgeniy Baru, Khodorkovskiy co defendant Pavel Lebedev's lawyer, occurred after visiting with his client. Baru reported that prison officials, including the warden, had confiscated written and printed materials from his briefcase.

The May 19 conviction of Mikhail Trepashkin, who had been consultant to a parliamentary commission investigating possible FSB involvement in a series of 1999 apartment bombings, gave further cause for concern about the undue influence of the FSB and arbitrary use of the judicial system. The bombings were officially blamed on Chechens and served as partial justification for the Government's resumption of the armed conflict against Chechen fighters. Trepashkin, an attorney and former FSB official, was arrested in October 2003 and charged with disclosing state secrets and with illegal possession of a handgun and ammunition. The Moscow Circuit Military Court sentenced him to 4 years of forced labor, but he was not expected to start serving his term until the conclusion of a hearing on the handgun charge. The trial reconvened on December 15. Trepashkin's arrest came a month after his charges of FSB responsibility for the bombings were cited in a book and a week before he was scheduled to represent the relatives of a victim of one of those bombings. After his arrest, Trepashkin wrote a letter describing extremely poor conditions in his detention cell.

Authorities abrogated due process in continuing to pursue several espionage cases involving foreigners who worked with citizens and allegedly obtained information that the security services considered sensitive; in some instances prosecutors pursued such cases after earlier courts had rejected them. The proceedings in some of these cases took place behind closed doors, and the defendants and their attorneys encountered difficulties in learning the details of the charges. Observers believed that the FSB was seeking to discourage citizens and foreigners from investigating problems that the security services considered sensitive.

On June 9, the Supreme Court overturned the December 2003 jury acquittal of Valentin Danilov, who had been charged with spying for China while working on a commercial contract. In November, Danilov was convicted by a judge and sentenced to 14 years in November.

In April, a Moscow City Court found Igor Sutyagin, a disarmament researcher with the U.S. and Canada Institute, guilty of espionage and sentenced him to 15 years in a maximum security facility (the sentence included time served since his arrest in October 1999). Prosecutors accused Sutyagin of passing classified information about the country's nuclear weapons to a London based firm, but the Kaluga regional court ruled in 2001 that the evidence presented by the prosecutor did not support the charges brought against him and returned the case to the prosecutor for further investigation. Sutyagin claimed the decision was unjust and insisted that he had no access to confidential information. In August, the Supreme Court rejected his appeal. Some observers agreed that he had no access to classified information and regarded the severe sentence as an effort to discourage information sharing by citizens with professional colleagues from other countries. Russian government officials asserted that he had wittingly or unwittingly entered into a paid arrangement with a foreign intelligence service. As a result of the flawed conduct of the trial and lengthy sentence, a number of domestic and international human rights NGOs raised concerns that the charges were politically motivated, and AI declared Sutyagin to be a political prisoner.

While there was broad agreement among human rights organizations that Sutyagin was a political prisoner, various organizations also characterized other individuals as political prisoners.

f. Arbitrary Interference with Privacy, Family, or Correspondence

The Constitution states that officials may enter a private residence only in cases prescribed by federal law or on the basis of a judicial decision; however, authorities did not always observe these provisions. The Constitution permits the Government to monitor correspondence, telephone conversations, and other means of communication only with judicial permission and prohibits the collection, storage, utilization, and dissemination of information about a person's private life without his consent. While these provisions were generally followed, problems still remained. Authorities continued to infringe on citizens' privacy rights. There were reports of electronic surveillance by government officials and others without judicial permission. Law enforcement officials in Moscow reportedly entered residences and other premises without warrants. There were no reports of government action against officials who violated these safeguards.

Internet service providers are required to install, at their own expense, a device that routes all customer traffic to an FSB terminal, and framers of this "System for Operational Investigative Measures" (SORM 2) claimed that the regulation did not violate the Constitution or the Civil Code, because it requires a court order to authorize the FSB to read the transmissions. This requirement was upheld by a 2000 Supreme Court ruling. However, there appeared to be no mechanism to prevent unauthorized FSB access to the traffic or private information without a warrant. The FSB was not required to provide telecommunications companies and individuals documentation on targets of interest prior to accessing information.

A Doctrine of Information Security of the Russian Federation that President Putin signed in 2000, although without the force of law, indicated that law enforcement authorities should have wide discretion in carrying out SORM surveillance of telephone, cellular, and wireless communications. Human rights observers continued to allege that officers in the special services, including authorities at the highest levels of the MVD and the FSB, used their services' power to gather compromising materials on political and public figures, both as political insurance and to remove rivals. They accused persons in these agencies, both active and retired, of working with commercial or criminal organizations for the same purpose. There were credible reports that regional branches of the FSB continued to exert pressure on citizens employed by foreign firms and organizations, often with the goal of coercing them into becoming informants.

Government forces in Chechnya looted valuables and food from private houses in regions that they controlled (see Section 1.g.).

g. Use of Excessive Force and Violations of Humanitarian Law in Internal and External Conflicts

During the year, federal forces and pro Moscow Chechen forces engaged in human rights violations, including torture, summary executions, disappearances, and arbitrary detentions. Chechen fighters also committed human rights violations, including several major acts of terrorism outside of Chechnya, and summary executions. Chechen terrorist Shamil Basayev claimed responsibility for the hostage taking in Beslan and other acts of terrorism against civilians.

Federal authorities both military and civilian have limited journalists' access to war zones since the beginning of the second war in Chechnya in October 1999, in part due to security concerns. Most domestic journalists and editors appeared to exercise self censorship and avoid subjects embarrassing to the Government with regard to the conflict (see Section 2.a.). Human rights observers also faced limitations in access to the region (see Section 4). These restrictions made independent observation of conditions and verification of reports very difficult and limited the available sources of information concerning the conflict. However, human rights groups with staff in the region continued to release credible reports of human rights abuses and atrocities committed by federal forces during the year.

The indiscriminate use of force by government troops in the conflict in the Chechen Republic has resulted in widespread civilian casualties and the displacement of hundreds of thousands of persons, the majority of whom sought refuge in the neighboring republic of Ingushetiya. The security situation continued to prevent most foreign observers from traveling to the region, and the Government enforced strict controls on both foreign and domestic media access (see Section 2.a.).

A wide range of reports indicated that federal military operations resulted in numerous civilian casualties and the massive destruction of property and infrastructure, despite claims by federal authorities that government forces utilized precision targeting

when combating rebels. In most cases such actions were undertaken with impunity. After a federal warplane bombed Maidat Tsintsayeva's house in April, killing her and her five children, military and Chechen prosecutors opened a criminal case, but no charges had been filed by the end of the year. On December 3, a Russian helicopter launched several missiles at the village of Tevzen Kale, and one hit the house of the Suleymanov family. One family member was killed, and two others were wounded. The Chechen Interior Ministry told the press that the federal military refused to recognize that there was even a bombing attack on the village and was impeding all investigation efforts. There were no reliable estimates of the number of civilians killed as a result of federal military operations; estimates of the totals since 1999 varied from hundreds to thousands. It was also impossible to verify the number of civilians injured by federal forces. According to press reports, Chechen State Council Chairman Taus Dzhabrailov estimated in November that more than 200,000 people had been killed in Chechnya since 1994, including 20,000 children. Dzhabrailov said every year 2,000 to 3,000 people in Chechnya are killed, abducted, or go missing.

Command and control among military and special police units often appeared to be weak. In addition to casualties attributable to indiscriminate use of force by the federal armed forces, individual federal servicemen or units committed many abuses. In June, for example, federal forces were believed to be responsible for the killing of Umar Zabiyeu, a civilian, near the Ingush village of Galashki. Heavy machinegun fire hit the car in which Zabiyeu, his brother, and his mother were riding. The gunfire was believed to have come from a nearby column of armored vehicles. Umar Zabiyeu stayed with his injured mother and sent his brother to bring help. When villagers arrived a short time later, Umar was missing. His body was found the next morning bearing clear marks of torture and gunshot wounds. Police searching the area found more than 100 spent cartridges and other items that indicated the presence of federal military personnel.

According to human rights observers, government forces responding to Chechen attacks at times engaged in indiscriminate reprisals against combatants and noncombatants alike.

Although indiscriminate mopping up or "cleansing" operations known as "zachistki" continued sporadically throughout the year, federal forces more frequently engaged in more targeted operations known as "night raids" to arrest suspected Chechen fighters. The human rights NGO Memorial reported that the number of human rights violations occurring during these operations was lower than in previous years. Memorial also noted that zachistki conducted with Chechen MVD representatives present generally resulted in fewer human rights abuses. Although the night raids reduced large scale abuses that often accompanied zachistki, human rights organizations indicated that disappearances of those detained in these raids continued. Kidnappings by federal forces were reported during the year. For example, in January, federal forces conducted a sweep in the town of Argun. According to reports, the federal forces dragged residents from their beds and took them to a quarry where they detained and tortured them. Relatives of the detained later found two bodies that had been blown up in the quarry. Residents were able to identify one of the bodies as a resident whom federal forces had arrested. Only after mass protests in Argun were most of those detained released. All of them showed signs of physical abuse and required medical attention.

In July, as a result of continued kidnappings in the republic, the Chechen Government announced a new effort to have security forces adhere to Order Number 80, issued in 2002, which establishes rules governing passport checks and mopping up operations. It requires the military forces to have license plates on their vehicles when entering a village, to be accompanied by a representative of the prosecutor's office and local officials, to identify themselves when entering a house, and to make lists of all persons arrested during the operation and share it with local authorities. Chechen officials subsequently declared a ban on law enforcement officers wearing masks as well. At year's end, Memorial was not aware of any cases in which Order Number 80 was properly observed. The organization was informed of several occasions in which unidentified armed men wearing camouflage broke into houses and abducted civilians.

Many individuals were declared missing during the year, although estimates of the total number varied. Some of the disappeared were feared dead, others were detained, and yet others were kidnapped. Chechen President Kadyrov stated on March 18 that an estimated 3,000 persons had disappeared in Chechnya in recent years; however, the NGO community reported that the number was higher than the official Chechen Government figure. According to Memorial, 1,450 people have disappeared during the Chechen war. Memorial reported that, during the year, the number of disappearances dropped to 396 from 495 cases registered in 2003 in the 25 to 30 percent of Chechnya to which they had access. Of those, 189 were freed by their abductors or released after relatives paid a ransom, 173 disappeared without a trace, and 24 bodies showing signs of torture or violent death were recovered. Human Rights Ombudsman Vladimir Lukin estimated that 1,700 people were kidnapped throughout Chechnya between January and November, which appeared consistent with Memorial's figures.

AI reported that women were increasingly targeted by federal and Chechen security forces in response to suicide bombings carried out by Chechen women. AI reported that a member of the security forces questioned one such woman, Milana Ozdoyeva, on two occasions in January about allegations that she wanted to become a suicide bomber. On January 19, several men entered her house and forced her to go with them, leaving her two children behind. At year's end, her whereabouts remained unknown.

Troops also reportedly kidnapped and otherwise mistreated children (see Section 5).

There were reports that disappearances increased also in neighboring Ingushetiya. Although Ingush President Murat Zyazikov stated he was aware of only seven such cases, human rights groups estimated that several dozen individuals had disappeared. One of those was Deputy Prosecutor Rashid Ozdoyev, who disappeared in March after submitting a report on alleged abuses committed by the FSB in Ingushetiya. Prosecutors opened an investigation, but Ozdoyev's whereabouts remained unknown.

Memorial and other NGOs charged that government forces, including Chechen security forces commanded by Kadyrov's son, Ramzan, were responsible for many kidnappings. Memorial has sought to pursue the majority of these cases with the Prosecutor General's office, but proceedings were dropped in four fifths of the cases due to the fact that no suspects could be identified. While many disappearances remained unresolved, the abductors released most of those taken, often after their relatives paid a bribe. Federal and Chechen officials, including then President Akhmed Kadyrov, acknowledged that disappearances continued but attributed many of them to separatist fighters.

On January 29, human rights activist Imran Ezhiyev, the head of Chechen regional office of the Russian Chechen Friendship Society and a regional representative of the Moscow Helsinki Group, was detained by Ingush police and held overnight while accompanying Ella Pamfilova, head of the Presidential Human Rights Commission. Ezhiyev has been detained 18 times.

In April, five men who reportedly shouted, "You got what you're asking for. No more speeches for you [in court]," knocked human rights lawyer Stanislav Markelov unconscious on the Moscow metro. After regaining consciousness, Markelov discovered that his mobile phone containing the phone numbers of his clients, his lawyer's license card, and other identity documents and case files were missing, but his money had not been stolen. AI expressed concern that he was targeted due to his work on behalf of victims in several human rights cases that relate to Chechnya.

Also in April, Arjan Erkel, the head of the Doctors Without Borders mission in Dagestan, was released after a \$1.35 million (1 million euro) ransom was paid, with federal Government mediation, to his captors, who remained unknown (see Section 1.b.). Such events and overall security problems led many NGOs to limit their activities in the North Caucasus.

Federal forces and police also conducted security sweeps in neighboring Ingushetiya that resulted in reported human rights violations and disappearances. Following rebel attacks across Ingushetiya on June 21 and 22, federal forces conducted sweeps in several settlements housing internally displaced persons (IDPs) from Chechnya. Human rights groups reported several cases in which military personnel beat or verbally abused persons during these sweeps; however, the 20 IDPs they arrested were all released. Additionally, human rights groups reported that there were several dozen cases of disappearance of Ingush and Chechens in Ingushetiya. As with similar operations in Chechnya, reports of beatings, arbitrary detentions, and looting usually followed these operations. According to Human Rights Watch (HRW), in August 2003, pro Moscow Chechen police abducted five men from a clinic in Ingushetiya. Police reportedly burst into the clinic firing weapons. One of those detained was injured. One of the policemen struck a doctor with a rifle. As of the end of the year, neither HRW nor Memorial knew of the five men's whereabouts. Ingush prosecutors opened a criminal case.

Pro Moscow Chechen forces commanded by Ramzan Kadyrov and federal troops also began arresting relatives of Chechen separatist leaders in an effort to force the leaders to surrender, according to human rights groups. Memorial and AI reported that in late February and early March, Kadyrov's forces seized several dozen relatives of Magomed and Omar Khambiyev, respectively, the defense and health ministers in the "separatist government." They then threatened that unless Magomed Khambiyev gave himself up, his relatives would be harmed. He surrendered in early March.

In September, during the hostage taking at School No. 1 in Beslan, press and human rights groups reported that federal forces took into custody relatives of Aslan Maskhadov, Shamil Basayev, and Doku Umarov, whom authorities accused of organizing the hostage taking. Federal forces stated this was for their protection, whereas human rights groups alleged that the relatives would be used in a potential trade for hostages at the school. The relatives were subsequently released, but in December, according to Memorial, eight family members of Chechen leader Aslan Maskhadov were abducted.

Government forces and Chechen fighters have used landmines extensively in Chechnya and Dagestan since 1999; there were many civilian landmine victims in Chechnya during the year. Federal forces and Chechen fighters continued to use antipersonnel mines in Chechnya. Reports from hospitals operating in the region indicated that many patients were landmine or unexploded ordnance victims and that such weaponry was the primary cause of death. Government officials reported that in Chechnya there were 5,695 landmine casualties in 2002 (the latest year for which statistics were available), including 125 deaths. The victims included 938 children. By comparison, there had been 2,140 landmine casualties in 2001.

New mass graves and "dumping grounds" for victims allegedly executed by government forces in Chechnya during the year and earlier were discovered. In April, local residents near the village of Serzhen Yurt found the bodies of nine men in a ravine. According to AI, the bodies bore gunshot wounds and marks of torture. Federal forces had detained eight of the men on March 27 in the village of Duba Yurt. The ninth man had "disappeared" from his home in Grozny during the night of April 12, according to AI. There were no reports by year's end that the Government had initiated any criminal cases related to the mass grave discoveries.

Armed forces and police units reportedly routinely abused and tortured persons held at holding facilities where federal authorities sorted out fighters or those suspected of aiding the rebels from civilians. Federal forces reportedly ransomed Chechen detainees (and, at times, their corpses) to their families for prices ranging from several hundred to thousands of dollars.

AI reported that Timur Khambulatov died in police custody in March. An estimated 40 armed men arrested Khambulatov at his home in the Chechen village of Savelevskaya on March 18 on suspicion of belonging to an illegal armed group. Later that same morning, a district prosecutor reportedly found him dead in a police cell. According to AI, police claimed Khambulatov was near death when operatives from the FSB handed him over to them. The local head of the FSB reportedly told Khambulatov's mother that his officers had not touched her son.

There were widespread reports of the killing or abuse of captured fighters by federal troops, as well as reports that captured federal troops and pro Moscow Chechen security forces were killed or abused by the Chechen fighters, and a policy of "no surrender" appeared to prevail in many units on both sides. Federal forces reportedly beat, raped, tortured, and killed numerous detainees.

According to human rights NGOs, federal troops on numerous occasions looted valuables and foodstuffs in regions they controlled. Many IDPs reported that guards at checkpoints forced them to provide payments or harassed and pressured them. There were some reports that federal troops purposefully targeted some infrastructure essential to the survival of the civilian population, such as water facilities or hospitals. The indiscriminate use of force by federal troops caused destruction of housing and commercial and administrative structures. However, compared to 2001-02, Memorial reported that government forces used less indiscriminate force during the year against civilian areas. In most cases, the artillery attacks and bombings that occurred were the result of mistakes, bad performance, and alcoholism. Federal troops also reportedly severely damaged gas and water supply facilities and other types of infrastructure. Representatives of international organizations and NGOs who visited Chechnya reported little evidence of federal assistance for rebuilding war torn areas.

A climate of lawlessness, corruption, and impunity flourished in Chechnya. The Government investigated and tried some members of the military for crimes against civilians in Chechnya; however, there were few convictions and the reported number of convictions differed. According to statistics released to the press by the General Prosecutor's office in early December, over the last 3 years 1,749 criminal cases were initiated in Chechnya to investigate approximately 2,300 cases involving disappeared persons. Out of these, only 50 cases were completely investigated and reached the courts. During the same time period, 22 servicemen were convicted and sentenced for committing serious crimes against civilians. However, in most cases the punishment was limited to a suspended sentence.

Memorial noted that the General Prosecutor's office has been inconsistent in its figures concerning the number of crimes committed by servicemen against civilians. In February 2003, the Deputy Prosecutor General reported that during the years of the anti terrorist operation in Chechnya, 417 cases were initiated, but investigations were halted for 341 cases because the suspects had not been found. Then, in August, the Deputy Prosecutor General announced that only 132 cases were opened, and all but 10 were still under investigation. No further information was provided to explain the discrepancy.

According to Justice Minister Yuriy Chayka, from the start of the conflict through November 2003, 54 servicemen, including 8 officers, had been found guilty of crimes against civilians in Chechnya. Four servicemen, including three officers, were on trial for murder charges over the 2002 deaths of six Chechen civilians in a court in the southern city of Rostov on Don.

On November 11, the Supreme Court overturned the North Caucasus Military District Court's June 29 acquittal of two officers of the Interior Ministry's troops, Yevgeniy Khudyakov and Sergey Arakcheyev, who had been accused of murdering three civilians in Chechnya. A news service reported that the Court found that the jury for the trial was convened improperly. Khudyakov and Arakcheyev allegedly shot the three civilians in January 2003 after forcing them out of a truck near Grozny. The suspects then allegedly doused the victims' bodies with gasoline and ignited them in attempt to cover up the crime.

Memorial concluded that the majority of cases opened for alleged crimes by federal servicemen against civilians resulted in no charges. Cases were closed or investigations suspended because of the absence of the bodies or because of an inability to identify a suspect.

In April, Chechen President Akhmed Kadyrov asked that the State Duma extend an amnesty that expired in September 2003, but in June, following Akhmed Kadyrov's assassination, his son Ramzan stated that the amnesty program should be ended and gave fighters 3 days to turn in their weapons.

Government forces continued to abuse individuals seeking accountability for abuses in Chechnya, continuing their harassment of applicants to the European Court of Human Rights (ECHR). In January, human rights activist Aslan Davletukayev was kidnapped, tortured, and killed in Chechnya, under circumstances that suggested the involvement of government forces. He was the third volunteer with the Society for Russian Chechen Friendship to have been killed since December 2001. According to AI and other human rights groups, he had been in the custody of federal forces and the criminal investigation into the incident was inconclusive. The Society reported that it received anonymous threats following the September seizure of the school in Beslan, North Ossetia. According to AI, on April 10, federal forces abducted Anzor Pokayev, whose father had appealed to the ECHR in July 2003 in the case of the 2002 disappearance of his other son during a military raid. The morning after the abduction, Anzor's body was found approximately 6 miles away, with multiple gunshot wounds. On September 3, Memorial reported that federal forces had abducted Fatima Gazayeva of the human rights organization Echoes of War, a regional organization that reported on human rights abuses, and her husband Ilyas Atayev. Gazayeva and Atayev were released 2 days later, but they had no idea where they had been kept and by whom. They indicated that their captors had treated them fairly.

The authorities initiated legal actions against the Society's activities and those of the Chechen Committee for National Salvation (see Sections 2.a. and 4).

On January 22, President Putin abolished the special post of Presidential Human Rights Representative to Chechnya, handing full responsibility for the issue to Chechen President Akhmed Kadyrov, on the grounds that no other region had an analogous representative and Chechnya no longer warranted special treatment. The Independent Commission on Human Rights in the Northern Caucasus headed by the Chairman of the State Duma Committee on Legislation maintained a number of offices in

Chechnya and Ingushetiya. This organization heard hundreds of complaints from citizens, ranging from destruction or theft of property to rape and murder; however, it was not empowered to investigate or prosecute alleged offenses and had to refer complaints to military or civil prosecutors. Almost all complainants alleged violations of military discipline and other common crimes.

In early June, Chechen President Alkhanov signed an order to appoint Lema Khasuyev as the Chechen Republic's new human rights Ombudsman. Khasuyev had been a deputy of two former presidential envoys for human rights in Chechnya. Human rights groups were skeptical that the appointment of a new ombudsman would significantly improve the situation.

Chechen rebel fighters also committed serious human rights abuses. According to observers, Chechen fighters usually operated independently in small groups; however, the June attacks on Nazran suggested they were capable of operating in larger groups under a more centralized command. According to various reports, they committed terrorist acts against civilians in Chechnya and elsewhere in the country, killed civilians who would not assist them, used civilians as human shields, forced civilians to build fortifications, and prevented refugees from fleeing Chechnya. In several cases, Chechen fighters killed elderly ethnic Russian civilians for no apparent reason other than their ethnicity. As with the many reported violations by federal troops, there were difficulties in verifying or investigating these incidents. According to Chechen Minister of Internal Affairs Ruslan Alkhanov, 120 attacks that he characterized as terrorist were committed in Chechnya during the year, but it is unclear what methodology was used to identify the number of terrorist acts. Alkhanov said this figure was lower than in 2003.

A number of the terrorist acts committed by Chechen rebels during the year involved suicide bombings. On February 6, a suicide bomber killed 40 persons by blowing up a Moscow metro passenger car. Terrorist Shamil Basayev claimed responsibility, and in March, terrorist Abu al Walid stated that further attacks should be expected. On August 24, suicide bombers from Chechnya were believed to have carried out the near simultaneous downing of 2 aircraft, killing 89 persons. On August 31, a suicide bomber killed 10 persons at the Rizhskaya metro station.

On September 1, terrorists took an estimated 1,200 teachers, children and parents hostage at School Number 1, in Beslan, North Ossetia. Hostage takers reportedly killed 15 to 20 adult men on the first day of the seizure. They held the hostages for 58 hours, during which they denied them food and water. The siege ended violently; according to press reports, an explosive rigged by the terrorists detonated, and in the ensuing panic, they began shooting hostages who were attempting to flee. Security forces and armed relatives of the hostages returned fire and stormed the school. At least 338 hostages died, many of them trapped in the gymnasium when its roof collapsed. Security forces subsequently killed all or most of the hostage takers in a firefight that lasted several hours. According to some reports, a mob lynched one terrorist captured by security forces. Another was arrested and held by the authorities.

In other incidents, rebels took up positions in populated areas and fired on federal forces, thereby exposing civilians to federal counterattacks. When villagers protested, the rebels sometimes beat them or fired upon them. Chechen fighters also targeted civilian officials working for the pro Moscow Chechen Administration. In May, Chechen President Akhmed Kadyrov was assassinated while attending a Victory Day celebration in Grozny. Chechen fighters also reportedly abused, tortured, and killed captured federal soldiers. Rebels continued a concerted campaign, begun in 2001, to kill civilian officials of the government supported Chechen administration. According to Chechen sources, rebel factions also used violence to eliminate their economic rivals in illegal activities or to settle personal accounts.

Chechen rebels continued to launch attacks on government forces and police in Ingushetiya during the year.

Rebel field commanders reportedly were responsible for funding their units, and some allegedly resorted to drug smuggling and kidnapping to raise funds. As a result, it often was difficult, if not impossible, to distinguish between rebel units and criminal gangs. Some rebels allegedly received financial and other forms of assistance from foreign supporters of international terrorism. Government officials continued to maintain that there were 200 to 300 foreign fighters in Chechnya.

According to a 2002 report by the U.N. Special Representative for Children and Armed Conflict, Chechen rebels used children to plant landmines and explosives (see Section 5).

International organizations estimated that the number of IDPs and refugees who left Chechnya as a result of the conflict reached a high of approximately 280,000 in the spring of 2000 (see Section 2.d.). At various times during the conflict, authorities have restricted the movement of persons fleeing Chechnya and exerted pressure on them to return to Chechnya (see Section 2.d.). As of November 30, the United Nations High Commission for Refugees (UNHCR) estimated that 38,838 IDPs remained in Ingushetiya; 24,534 were living in private accommodation and 14,304 were in temporary settlements.

Section 2

Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of speech and of the press; however, government pressure on the media persisted, resulting in numerous infringements of these rights. Faced with continuing financial difficulties, as well as pressure from the Government and large private companies with links to the Government, many media organizations saw their autonomy further

weakened during the year. The Government increasingly used its controlling ownership interest in all national, and a majority of regional, television and radio stations to restrict access to information about issues it regarded as sensitive. By a variety of means, it severely restricted coverage by all media of events in Chechnya. There were indications that government pressure at times led reporters to engage in self censorship. On most subjects, however, the public continued to have access to a broad spectrum of viewpoints in the print media and, for those with access, on the Internet.

While the Government generally respected citizens' right to freedom of expression, at times it restricted this right with regard to such sensitive issues as the conduct of federal forces in Chechnya, discussions of religion, or controversial reforms in the social sector. Some regional and local authorities took advantage of the judicial system's procedural weaknesses to arrest persons on false pretexts for expressing views critical of the Government. With some exceptions, judges appeared unwilling to challenge powerful federal and local officials who sought to prosecute journalists. These proceedings often resulted in stiff fines.

All but 1 national newspaper remained privately owned, as were more than 40 percent of the 45,000 registered local newspapers and periodicals; however, the Government attempted to influence the reporting of independent publications. Approximately two thirds of the 2,500 television stations in the country were completely or partially owned by the federal and local governments, and the Government indirectly influenced most private broadcasting companies through partial ownership of commercial structures, such as energy giants Gazprom and Lukoil, which in turn owned large shares of media companies. Such influence was far from uniform, however. Gazprom financed radio station Ekho Moskvii, for example, maintained a highly independent editorial position and its reporting and commentary were frequently critical of the Government.

Of the three national television stations, the Government owned Rossiya Channel and a majority of First Channel. The Government owned a controlling stake of Gazprom, which in turn had a controlling ownership stake in the third national television station, NTV, which maintained a more independent editorial line. The Government also maintained ownership of the largest radio stations, Radio Mayak and Radio Rossiya, and the news agencies ITAR TASS and RIA Novosti.

The Government exerted its influence most directly on state owned media. Journalists and news anchors of Rossiya and First Channel reported receiving "guidelines" from the management prepared by the Presidential Administration, indicating which politicians they should support and which they should criticize. Criticism of presidential policies was prohibited in the state owned media and strongly discouraged on NTV and in many privately owned print publications, although with little apparent effect in many privately owned print publications.

Correspondents claimed that senior management often asked them to obtain approval for reports on sensitive political matters prior to broadcasting and that management edited out "negative language" about government officials and policies. For example, the press reported that government owned channels received "style lists" mandating that references to "Chechnya" be replaced with "Republic of Chechnya" (a usage that reinforced the Government's view of Chechnya as a constituent republic of the Russian Federation) and that the phrase "replacing benefits with money" (a highly unpopular government policy) be replaced with "monetized benefits." Despite these constraints, high level Presidential Administration officials reportedly complained to Rossiya and First Channel executives about reporting they viewed as critical of the President.

During the year, the Government further circumscribed the editorial independence and political influence of NTV. In June, NTV fired Leonid Parfenov, host of the popular news analysis program Namedni, after he publicly protested the station's decision not to broadcast an interview with the widow of Chechen separatist leader Zelimkhan Yandarbiyev. In July, Gazprom Media installed Vladimir Kulistikov, former news director of state owned Rossiya Channel, as head of NTV, and Kulistikov abruptly shut down most of the network's political programs, including the popular Svoboda Slova (Freedom of Speech), the last remaining live discussion format talk show on national television. In December, Kulistikov suspended popular journalist Aleksey Pivovarov as anchor of the network's flagship news program Strana i Mir after he commented on the firing of Parfenov. NTV largely preserved its relatively balanced approach to news reporting; however, these measures further reduced the opportunity for free expression on television.

The state owned Sports Channel continued to broadcast on the federal frequency formerly used by the privately owned Television Spektrum (TVS), which authorities took off the air in 2003, assigning the frequency to Sports Channel on a temporary basis. TVS had been the only non state affiliated channel. Its demise was variously attributed to political motives and commercial maneuvering. No efforts to restore TVS were reported during the year.

The degree of editorial freedom tolerated by authorities appeared to depend on the size of the audience. For example, Ren-TV, which reaches over 65 percent of the nationwide audience but only has an audience share of approximately 5 percent, was frequently sharply critical of the Kremlin. However, Ren-TV's regional affiliates often replaced prime-time news programs critical of the government with local news. This practice, coupled with a lack of interest in "Moscow politics" on the part of provincial audiences reduces the channel's impact on public opinion.

Government controlled media exhibited considerable bias in favor of President Putin in their coverage of the March 14 presidential campaign. President Putin did not actively campaign, but, as the OSCE election observation mission noted, he received coverage on the state controlled television channels far beyond what was reasonably proportionate to his role as head of state. For example, the OSCE election observation mission reported that First Channel provided more than 4 hours of all positive political and election coverage to the President. The next most covered candidate received approximately 21 minutes of prime time coverage (see Section 3).

The authorities continued to exert pressure in a number of ways on journalists, particularly those who reported on corruption or who criticized officials. The media freedom advocacy group Glasnost Defense Foundation (GDF), together with Journalists Without Borders and the Committee to Protect Journalists (CPJ), documented numerous cases of censorship and police intimidation of media personnel.

In August, the Kremlin transferred control of media access to the area of the Chechen conflict to the Ministry of Interior. On December 2, a court in Ingushetiya ordered the deportation of Kosuke Tsuneoka, Moscow based correspondent for Kyodo Tsuin, who was detained by police in Nazran, Ingushetiya, and accused of lacking proper registration. While Tsuneoka had a valid business visa, authorities stated that Tsuneoka did not have a journalist visa and had failed to obtain special permission to report from the conflict zone. Government interference was particularly notable in relation to the war in Chechnya and neighboring republics (see Section 1.g.), and especially in connection with the Beslan school hostage crisis in September. Domestic and international human rights advocates accused the Government of failing to provide timely and accurate information about the scale and consequences of the crisis. The press quoted freed hostages as saying that distorted reporting by state television, which significantly understated the number of hostages, enraged the terrorists. Local residents also harassed the press for their coverage of the incident in Beslan, according to an OSCE report published on September 16. Two days after the release of the hostages, local residents beat Aleksandr Kots, correspondent of the national daily Komsomolskaya Pravda, after accusing him of distorting facts. The media reported that many other journalists, including the crews of Rossiya Channel, Television Center, Ren TV, a Swedish reporter, and a French cameraman, were assaulted or had their tapes taken away.

According to the OSCE, police detained a number of journalists, including Anna Gorbatova and Oksana Semyonova from Noviy Izvestiya daily, Madina Shavlokhova from Moskovskiy Komsomolets and Yelena Milashina from Novaya Gazeta and held them for several hours.

Anna Politkovskaya, a prominent correspondent of the daily Novaya Gazeta, who planned to arrive in Beslan on September 3, was unable to do so following severe poisoning she experienced on the flight from Moscow. According to Politkovskaya, she only had a cup of tea on the plane. After landing in Rostov on Don, she was taken to intensive care and later transported back to Moscow. Some human rights activists believed the authorities poisoned her to keep her from covering developments in Beslan.

On September 2, the police at Vnukovo airport in Moscow detained Andrey Babitskiy, a correspondent of Radio Liberty, before he was able to take a flight to Mineralniye Vody in the North Caucasus. According to Babitskiy, police accused him of carrying explosives but released him after searching his luggage. After Babitskiy left the police station, two young men reportedly approached him and started a dispute. The police immediately detained all three and forced Babitskiy to undergo a medical examination to determine if he had suffered any injuries from the incident. Although Babitskiy was detained as a victim, he was not released, and the next day a Justice of the Peace sentenced him to a 15 day prison term on charges of hooliganism, which was later commuted to a fine of approximately \$34 (1,000 rubles) fine. Some human rights activists believed the authorities staged the incident to keep Babitskiy from covering developments in Beslan and the North Caucasus.

The OSCE reported a number of attempts by authorities to prevent foreign journalists from covering the hostage crisis. On September 2, police and FSB representatives detained Polish, French, and British journalists at the airport in Mineralniye Vody. The authorities questioned the journalists for several hours, photocopied their documents, and thoroughly checked their equipment. On September 3, authorities confiscated tapes containing footage of the school storming from several domestic and foreign television crews.

The NTV television channel was the first to broadcast live coverage of the September 3 explosions and shooting in the school, followed by the freeing of the hostages, although NTV only broadcast the first 90 minutes of developing events. State television networks did not begin live broadcasts until almost an hour after the explosions. Media experts believed the state television networks were slow to cover the story because they were waiting for government permission to do so.

On September 5, Prof Media, owner of the leading daily newspaper Izvestiya, fired chief editor Raf Shakirov after large photographs of killed and injured children appeared in the previous day's newspaper. Shakirov attributed his firing to Prof Media's strong disapproval of the publication of the photographs. Other media analysts attributed Shakirov's abrupt dismissal to the Kremlin's anger about the publication of the photographs.

In August, the prosecutor's office charged the Chechen Committee for National Salvation (ChCNS) with violating the law by disseminating extremist information with the aim of accusing the country's armed forces and law enforcement bodies of mass crimes. The prosecutor's office further claimed that in this way the ChCNS was purposefully inciting public hostility toward representatives of the State and attempting to make the population resist the State. The prosecutor's office requested a court hearing to have the press releases examined and recognized as "extremist"; however, in October, a municipal court in Ingushetiya ruled in favor of the organization.

Apart from events related to the Caucasus, the GDF and other media freedom monitoring organizations reported numerous abuses of journalists by police and other security personnel, which included physical assault and the damaging of equipment.

For example, while dispersing a rally near the Cabinet headquarters in Moscow on June 1, members of the Federal Guard Service attacked Oleg Kashin, a correspondent for the daily newspaper Kommersant. After beating Kashin, who was later diagnosed with a brain concussion, they took him to a police station, where he was detained for 18 hours.

On August 26, police beat Olga Rogozhina, a correspondent of the Volga television station in Nizhny Novgorod, who tried to report on a police raid on the office of a local advertising firm.

On September 21, unknown assailants dressed in civilian clothes beat a number of journalists after police broke up a rally against Kalmyk Republic President Kirsan Ilyumzhinov in the republic's capital, Elista. The journalists included an NTV camera crew and Kirill Shulepov, a correspondent for the Rossiya network, who was severely beaten and had his camera destroyed.

A number of other journalists were killed, reported missing, or beaten for reasons that may have been associated with their journalistic activities. These journalists had published critical information about local officials and influential businesses or reported on crime and other sensitive issues. Although independent media NGOs reported a decrease in physical violence compared to 2003, they still characterized beatings of journalists by unknown assailants as "routine," noting that those who pursued investigative stories on corruption and organized crime found themselves at greatest risk.

According to the GDF, 5 journalists died during the year under suspicious circumstances, and 43 were physically attacked. In most cases where assailants physically attacked journalists, authorities and observers were unable to establish a direct link between the assault and those who reportedly had taken offense at the reporting in question.

Shangysh Mongush, a newspaper journalist in Tyva, Tuva Republic, who had been missing since January, was found fatally stabbed on June 5. The journalist's colleagues linked his death to his investigative reporting on illegal alcohol production in Tuva. There was no information regarding the investigation of Mongush's killing at year's end.

On February 1, Yefim Sukhanov, a Television Center Arkhangelsk correspondent, was found fatally stabbed in his apartment. On July 21, a court sentenced an 18 year old local resident to a 9 year prison term for murdering Sukhanov. Although the police investigation attributed the journalist's killing to a robbery attempt, Sukhanov's colleagues stated that his investigative reporting on poaching in Arkhangelsk made him a potential target.

On July 9, Paul Klebnikov, the editor of Forbes Russia magazine, was shot and killed outside his Moscow office. Still conscious for a short time after the assault, Klebnikov told a colleague that he did not know who might have ordered the attack. Launched in April, Forbes Russia conducted investigative reporting on the political and business elite, and in May it published a list of the country's 100 richest persons, some of whom reportedly were unhappy about the publicity. On November 18, authorities in Minsk, Belarus, arrested a Russian citizen from Chechnya on suspicion of Klebnikov's killing. The media, including the leading dailies Kommersant and Izvestiya, reported that investigators related Klebnikov's murder to his work on a book about the embezzlement of budget funds for the post war reconstruction of Chechnya. According to the November 30 Kommersant, the suspect was also believed to be involved in the murder of a former head of the Chechen Administration, who reportedly provided facts for Klebnikov's book.

Other investigative journalists attacked during the year in circumstances suggesting that their professional work may have provided the motive for their attackers included Aleksey Mukhin, a television journalist in Dzerzhinsk, Nizhny Novgorod region; Marina Ivashina, a journalist with the newspaper Orlovskiy Novosti in Oryol region; and Fyodor Krashenninikov, editor of the Politsovet news agency in Yekaterinburg.

High profile cases of journalists killed or kidnapped in earlier years remained unsolved. On October 11, a court in Tolyatti, Samara region, acquitted a local factory worker charged with the murder of Aleksey Sidorov, editor in chief of the daily newspaper Tolyatinskoye Obozreniye, who was stabbed near the entrance to his apartment building in 2003. The Samara regional court confirmed the acquittal on November 26. Local media and media advocacy organizations were skeptical about the Government's case, which attributed the murder to hooliganism. They linked the journalist's death to his investigative reporting on Tolyatti authorities' connections with the city's criminal groups, whose activities centered on the Tolyatti based VAZ automobile plant. The GDF sent a letter to Prosecutor General Vladimir Ustinov, saying that, although a lawyer representing Sidorov's family presented evidence of local organized crime's involvement in Sidorov's murder, local authorities ignored it instead pressuring Sidorov's family, witnesses, and journalists reporting on the trial not to question the official version of the case.

On June 10, the Moscow Circuit Military Court again acquitted all the defendants accused of organizing the 1994 murder of Dmitriy Kholodov, military affairs correspondent for the daily newspaper Moskovskiy Komsomolets. A previous acquittal of the defendants in 2002 had been overturned in 2003 by the Military Collegium of the Supreme Court, which ruled that the Moscow Circuit Military Court had "failed to take all available evidence into account," citing in particular the testimony of one defendant that then Minister of Defense Pavel Grachev had asked him to "deal with Kholodov" because of the journalist's coverage of corruption in the military. Although the 10 year statute of limitations on Kholodov's case expired on October 17, making it impossible to sentence the defendants to prison terms even if the June 10 acquittal were to be overturned, the Office of the Prosecutor General on December 6 appealed to the Supreme Court to begin a new trial.

Other unresolved cases of missing or killed journalists from 2003 include: Dmitriy Shvets, deputy head of TV 21 in Murmansk; Alikhan Guliyev, a freelance journalist covering Chechnya for Television Center and the daily newspaper Kommersant; and Ali Astamirov, an Agence France Presse correspondent kidnapped in Ingushetiya. Cases from 2002 include: Nataliya Skryl, correspondent for the Taganrog newspaper Nashe Vremya; Sergey Kalinovskiy, editor in chief of the newspaper Moskovskiy Komsomolets Smolensk; Valeriy Ivanov, editor in chief of Tolyatinskoye Obozreniye; Aleksandr Plotnikov, founder of the newspaper Gostinyy Dvor; Chuvash reporter Nikolay Vasilyev; Igor Salikov, head of information security for Moskovskiy

Komsomolets Penza; Yuriy Frolov, deputy director of Propaganda Publishing; and Ilyas Magomedov, head of the independent station Grozny Television.

Authorities at all levels employed administrative measures to deter critical coverage by media and individual journalists. One method was to deny media access to events and information, including filming opportunities and statistics theoretically available to the public. For example, in February, a judge in Volzhsk, Mary El Republic, prohibited a number of journalists from attending a court session in the trial of a local official accused of stealing government funds. Although the session was formally open, the judge ordered journalists from the local publications Nash Gorod, Volzhskaya Pravda, and Molodyozhnyi Kuryer to leave the courtroom. Local journalists stated this was part of a pattern in which they were normally barred from attending open sessions of the Volzhsk city court unless they promised not to file stories. On May 27, Aleksandr Khristoforov, Deputy Speaker of the regional legislature in Pskov, abruptly ordered journalists covering one legislative session to leave. After some journalists insisted on staying, Khristoforov physically assaulted Vadim Guzinin, a photographer of the local news agency RIM; Guzinin subsequently filed a lawsuit against Khristoforov. On September 20, Grigoriy Shatravka, mayor of Irbit, Sverdlovsk region, attacked Tatyana Novokreshchyonova, director of the local station Irbit TV, who tried to cover his meeting with city residents despite the mayor's objections. Shatravka beat the journalist and tried to break her camera.

At times, officials or unidentified individuals used force to prevent the circulation of issues of publications that were in disfavor with the government. For example, on February 28, police in Kazan, capital of Tatarstan Republic, stopped a truck carrying 143,000 copies of the local newspaper Puls Zhizni. When the newspaper's editor Yelena Chernobrovkina arrived at the scene, she found the newspapers unloaded from the truck and guarded by a group of approximately 30 men in civilian clothes, who would not identify themselves. Chernobrovkina said that among the group she spotted two high ranking Tatarstan police officials. After several hours, police confiscated the newspapers without explanation. On July 8, in Vladivostok, unknown persons seized 50,000 copies of the local newspaper Yezhednevniye Novosti and beat the driver of the truck carrying them from the printing plant. Shortly thereafter, police confiscated the remaining 150 copies of the paper. According to the newspaper's management, the police stated they were ordered to do so by their superiors. On August 29, police in Nizhnnekamsk, Tatarstan Republic, detained distributors of Puls Zhizni, citing oral instructions from city authorities. The police later released the distributors but confiscated copies of the newspaper. According to the GDF, Puls Zhizni was one of the few publications in Tatarstan that openly criticized authorities and supported Rafgat Altynbayev, a potential candidate in the 2006 Tatarstan presidential elections.

Authorities at various levels took advantage of the financial dependence of most major media organizations on the Government, or on one or more of several major financial industrial groups, to undermine editorial independence and journalistic integrity in both the print and broadcast media. The concentration of ownership of major media organizations, including media outlets owned by the federal, regional, and local governments, remained largely intact and posed a continued threat to editorial independence. Government structures, banking interests, and the state controlled energy giants Gazprom and United Energy Systems continued to dominate the Moscow media market and extend their influence into the regions. Most news organizations experienced continued financial difficulties during the year, which sustained their dependence on financial sponsors and, in many cases, the federal and regional governments. As a result of this dependence, the autonomy of the media and its ability to act as a watchdog remained weak.

During the year, many privately owned media organizations and journalists across the country also remained dependent on the Government for transmission facilities, access to property, and printing and distribution services. The GDF reported that approximately 90 percent of print media organizations relied on state controlled organizations for paper, printing, or distribution, and many television stations were forced to rely on the Government (in particular, regional committees for the management of state property) for access to the airwaves and office space. The GDF also reported that officials continued to manipulate a variety of other "instruments of leverage," including the price of printing at state controlled publishing houses, to apply pressure on private media rivals. The GDF noted this practice continued to be more common outside the Moscow area than in the capital. In May, for example, a printing plant in Kirovsk region refused to continue printing a number of publications based in the neighboring Mary El Republic, which could not be printed locally due to resistance from local authorities. According to the GDF, the decision came shortly after the election of a new governor of Kirovsk region, who acceded to Mary El authorities' requests to deny printing services to these publications.

The GDF and other media NGOs documented numerous instances of the use of taxation mechanisms to pressure media across the country.

Authorities at the federal and local levels continued to bring lawsuits and other legal actions against journalists and journalistic organizations during the year, primarily in response to unfavorable coverage of government policy or operations. The GDF estimated that more than 300 such cases were brought during the year. In April, the Press Service of the Interior Ministry of Bashkortostan Republic reported that, since the beginning of the year, the Ministry had won 12 of 15 libel suits against local media organizations. Most libel suits resulted in heavy fines. On October 29, the Moscow Arbitration Court ordered Kommersant daily to pay \$11.4 million (320 million rubles) to Alfa Bank to recoup losses and damage to its reputation brought about by the newspaper's July 7 story about the bank's financial problems. In January, Rashid Zhumagaliyev, an investigator with the prosecutor's office in Astrakhan, filed a libel suit against the local newspaper Moskovskiy Komsomolets in Astrakhan. He accused the newspaper of slandering the regional court in its articles. Police raided the newspaper's office during their investigation, confiscating its computers, which forced the newspaper to stop publishing.

In August 2003, a Chelyabinsk district court sentenced German Galkin, editor in chief of Vecherniy Chelyabinsk daily and Director General of Vecherniy Chelyabinsk publishing house, to a 1 year term in a hard labor camp as a result of a libel suit filed in 2002 by two vice governors of Chelyabinsk region. Three articles published in Rabochaya Gazeta in 2002 accused the

officials of corruption and links to organized crime, but Galkin was not listed in bylines for the articles and denied having written them. According to GDF, Galkin was the first journalist in the post Soviet era to be jailed for libel. International media defense representatives believed the severity of the sentence could have a chilling effect on freedom of expression and information and of the media. In November 2003, the Chelyabinsk regional court upheld the sentence but suspended it, and Galkin was released after 3 months in prison. On March 30, the same court rejected Galkin's appeal for his full acquittal.

In 2003, a Media Industrial Committee composed of heads of major media organizations adopted an Anti Terrorism Convention, a set of self imposed rules for reporting on terrorist acts. The Convention established a priority of human life over press freedom, required journalists to report sensitive information to the authorities, obliged journalists to seek approval from the authorities to interview terrorists, and prohibited live broadcasts by terrorists.

On March 11, according to the National Endowment for Democracy, a division of the MVD responsible for investigating financial crimes by businesses confiscated the 56th issue of the bi monthly Russian Chechen Friendship Society's bulletin from a printing house in Nizhny Novgorod. The police maintained that they were not interested in the Society's work, only in the financial affairs of the publishing house, but the only printed material that they seized was the Society's newspaper. The police told a representative of the Society that no formal criminal proceedings had been instituted against the publishing house. Approximately 2 weeks before the newspaper was seized, the publishing house had been temporarily closed because of fire code violations.

The Government generally did not restrict access to the Internet; however, it continued to require Internet service providers to provide dedicated lines to the security establishment so that police could track private e mail communications and monitor Internet activity (see Section 1.f.). In October, Deputy Culture Minister Leonid Nadirov suggested that all Internet sites should be registered as media organizations. Internet professionals and media freedom advocates expressed concern that its implementation would restrict free flow of information on the Russian segment of the Internet; however, the suggestion had not been implemented by year's end.

The Government did not restrict academic freedom; however, during the year human rights and academic organizations questioned whether the prosecutions of Sutyagin, Danilov, and others inhibited academic freedom and contact with foreigners on subjects that the authorities might deem sensitive (see Section 1.e.).

b. Freedom of Peaceful Assembly and Association

The Constitution provides for freedom of assembly and the Government generally respected this right in practice; however, at times authorities restricted this right.

In February, Moscow police dispersed a picket line on Lubyanka Square organized by Lev Ponomarev's NGO, For Human Rights, the Transnational Radical Party, and the Anti war Club to mark the 60th anniversary of Stalin's deportation of the Chechen and Ingush peoples to Kazakhstan. Moscow Central District authorities did not permit the assembly, explaining that too many events had already been scheduled for February 23 to celebrate Russian Army Day. Half an hour after the beginning of the demonstration, OMON troops (members of a special police detachment) appeared and demanded that the participants leave the square. Police detained Ponomarev, Nikolay Khramov, secretary of the Russian Radicals' movement, and 11 other participants. They were released after 2 hours and fined approximately \$38 (1,000 Rubles).

Organizations were required to obtain permits in order to hold public meetings and to apply for permits between 5 and 10 days before the scheduled event. Although religious gatherings and assemblies did not require permits, in some instances the authorities denied Jehovah's Witnesses and other religious groups access to venues where they could hold assemblies (see Section 2.c.). While the police readily granted permits to demonstrate to both opponents and supporters of the Government, local elected and administrative officials at times either denied some groups permission to assemble or revoked previously issued permits.

The Constitution provides for freedom of association, and the Government generally respected this right; however, the Government increasingly harassed some organizations of whose policies it disapproved. Some NGOs claimed the Government restricted their activities for political reasons by engaging in lengthy investigations of their finances or by delaying the registration of foreign grants (see Section 4). During the year, the critical statements of a number of senior officials contributed to increased suspicion regarding NGOs' activities. For example, in his May State of the Nation address, President Putin charged that some foreign funded NGOs existed "to serve dubious groups"; and Vladislav Surkov, of the Presidential Administration was believed to be referring, in part, to NGOs, among others, when he warned in a September interview in Komsomolskaya Pravda against "a fifth column of left and right radicals."

The Government continued to ban the Islamic organization, Hizb ut Tahrir, which it regarded as having terrorist connections and as seeking to overthrow the Government. Authorities in a number of regions stepped up operations against Hizb ut Tahrir despite the organization's denials that it supported terrorism. The authorities also interfered with the activities of a number of NGOs during the year (see Section 4).

Public organizations must register their bylaws and the names of their leaders with the MOJ. By law, political parties must have 50,000 members nationwide, at least 500 representatives in half of the country's regions, and no fewer than 250 members in the

remaining regions in order to be registered (see Section 3).

c. Freedom of Religion

The Constitution provides for freedom of religion, and the Government generally respected this right in practice; however, in some cases the authorities imposed restrictions on some groups. Although the Constitution provides for the equality of all religions before the law and for the separation of church and state, the Government did not always respect these provisions in practice.

Neither the Constitution nor the law accords explicit privileges or advantages to the Russian Orthodox Church (ROC) or the other groups formally designated traditional religions Judaism, Islam and Buddhism; however, increasingly some politicians advocated preferential treatment of these four faiths. Statements by some government officials, including President Putin, and anecdotal evidence from religious minority groups, suggested that the ROC, in particular increasingly enjoyed a status that approached official. The ROC has significantly greater access to certain governmental institutions, such as the army, than other religious groups. The ROC appeared to have had greater success reclaiming pre revolutionary property than other groups, and many religious workers believed that the ROC played a role in the cancellation of visas held by foreign religious workers representing nontraditional religions. Many religious minority groups and NGOs complained of what they believed was collusion between the ROC and the State.

Treatment of religious organizations, particularly minority denominations, varied widely in the regions, depending on the decisions of local officials. In some areas, such as Moscow, Khabarovsk, and Chelyabinsk, local authorities prevented minority religious denominations from reregistering as local religious organizations, as required by law, subjecting them to campaigns of legal harassment.

Contradictions between federal and local law in some regions and varying interpretations of the law gave some regional officials pretexts to restrict the activities of religious minorities. Discriminatory practices at the local level were attributable to the relatively greater susceptibility of local governments to lobbying by majority religions, as well as to discriminatory attitudes that were widely held in society. For example, articles heavily biased against religions considered "non traditional" appeared regularly in both the local and national press. There were reports of harassment of members of religious minority groups. Several religious communities were forced to defend themselves in court against charges by local authorities that they were engaging in harmful activities. At times local courts demonstrated their independence by dismissing frivolous cases or ruling in favor of the religious organizations; however, in some of these cases, authorities were slow to carry out, or refused to carry out, such rulings and in many cases appealed them.

Two congregations of the unregistered Union of Baptist Churches (known as Initsiativniki) experienced violence that they believe was promoted by the authorities. In January, a bomb destroyed an Initsiativniki church in Tula just as it was about to host a large meeting of Baptists from the country and abroad. On September 14, an Initsiativniki church in Lyubuchany was burned down. This followed efforts by security agencies, including local police and FSB officers, to intimidate participants in an open air gathering for several thousand Initsiativniki from all over central Russia sponsored by the same church. The authorities have long been suspicious of the Initsiativniki, whose complete refusal of cooperation with the authorities led to their split in 1961 from the Union of Evangelical Christians Baptists.

A 1997 law on "Freedom of Conscience" regulates religious practice and limits the rights, activities, and status of religious "groups" existing in the country for less than 15 years and requires that religious groups exist for 15 years before they can qualify for "organization" status, which conveys juridical status. All religious organizations were required to register or reregister by the end of 2000 or face liquidation (deprivation of this status). The law placed a severe hardship on groups that had been unregistered previously, including groups new to the country. The Office of Human Rights Ombudsman Vladimir Lukin includes a department dedicated to religious freedom issues. Lukin continued to criticize the law and to recommend changes to bring it into conformity with international standards and with the Constitution.

The MOJ reported that as of May 1, 21,664 organizations were registered. Isolated difficulties with registration continued to appear in different regions around the country. Local courts largely upheld the right of non traditional groups to register or reregister.

Nonetheless, a number of religious groups continued to battle administrative denials of registration in the courts, and while such cases were often successful, administrative authorities were at times unwilling to enforce court decisions. The Moscow authorities did not permit the Salvation Army to reregister, although the group continued to operate based on documents filed under an earlier statute. In April 2003, the Constitutional Court found unconstitutional a ruling of a Moscow region district court that had ordered the liquidation of the Salvation Army's organization in Moscow on the grounds that it was a "militarized organization." (A textbook on religious culture prepared for use in schools repeats this definition of the Salvation Army, which it calls a "sect.") A lawyer from the Slavic Center for Law and Justice was working with the Salvation Army at year's end to assist it in registering. The ECHR issued an interim ruling on June 24 declaring admissible the group's complaint arising out of the refusal of the Moscow authorities to reregister the group.

The Moscow branch of the Church of Scientology was not permitted by the Moscow authorities to reregister and continued to be threatened with liquidation. On October 28, the ECHR found admissible the Scientologist's complaint concerning the Government's failure to reregister the Church under the 1997 law.

As of the end of the year, the Church of Jesus Christ of Latter day Saints (Mormons) had succeeded in registering approximately 50 local religious organizations. The Church remained unable to register a local religious organization in Kazan, Tatarstan, which they had been attempting to do since 1998. In Chelyabinsk it successfully sued the Chelyabinsk Department of Justice, which had rejected 12 registration applications in 5 years. It won a subsequent appeal by the Chelyabinsk authorities, and its Chelyabinsk organization successfully registered on in September 2003.

Although many local Muslim religious organizations had been unable to reregister under the initial provisions of the 1997 law, spokespersons for the country's two most prominent muftis stated that most Muslim religious organizations that wanted to register were able to do so. As of May 1, there were 3,537 Muslim organizations registered with the Ministry of Justice, with 121 Muslim organizations registering within the last year. Disagreement between the heads of the country's two main Muslim spiritual boards continued although the Government largely supported the Moscow based Council of Muftis, led by Ravil Gaynutdin. Allegations persisted that Islamic extremism, popularly called "Wahabism," was to blame for terrorist attacks linked to the conflict in Chechnya and the North Caucasus.

There were no indications that the June 16 decision of the Moscow City Court resulting in the city wide banning of the Jehovah's Witnesses would be repealed. Unlike liquidation, which involves only the loss of an organization's juridical status, a ban prohibits the activities of an entire religious community. The ban has had far reaching consequences for the Witnesses in Moscow and elsewhere. Congregations of Witnesses had longstanding rental contracts for meeting rooms cancelled after the ban came in to effect, making it extremely difficult for the congregations to meet. An audio video production company that has worked with the Witnesses in the past refused to sign a contract to produce additional films, citing the court's decision. A court in Primorskiy Kray cited the Moscow ban in reversing a lower court's decision to award custody of a child to its mother, a member of the Jehovah's Witnesses. In Kurgan, the regional Ministry of the Interior requested that the city administration assist in filing an application to liquidate the local community of Jehovah's Witnesses. A city official asked the Witnesses to provide documents relevant to the Moscow court's decision.

In other instances, the Witnesses have succeeded in having liquidation orders issued by lower courts overturned on appeal. On October 25, the Supreme Court of Tatarstan overturned a September ruling by a court in Naberezhniye Chelnye liquidating the Witnesses' organization in that city. In November, the Primorskiy Kray Court overturned an October liquidation order issued by a lower court against the Witnesses organization in the city of Luchegorsk.

Although most of the difficulties faced by minority religious groups arose as the result of local factors, human rights groups and religious minority groups have criticized the federal Prosecutor General for encouraging legal action against some minority religions and for giving an imprimatur to materials that were biased against Jehovah's Witnesses, Mormons, and others. There were continuing indications that the security services were treating the leadership of some minority religious groups, particularly Muslims and non traditional religions, as security threats. Officials have particularly focused on Islamic groups, such as Hizb ut Tahrir, and foreign Muslims living in the North Caucasus, as potentially linked to terrorist activity in the country.

The FSB, the Prosecutor General, and other official agencies have conducted campaigns of harassment against non traditional religious movements, such as the Jehovah's Witnesses. Churches faced investigations for alleged criminal activity and violations of the tax laws, landlords were pressured to renege on contracts, and in some cases the security services were thought to have influenced the MOJ to reject registration applications.

At the same time, federal authorities were more active during the year in preventing or reversing discriminatory actions taken at the local level, in disseminating information to the regions and, when necessary, reprimanding officials who acted inappropriately. According to one report, a new government publication on the rights of foreign religious workers was a valuable resource in resolving difficulties with local officials who were largely unfamiliar with the federal law. President Putin has sought stricter and more consistent application of federal laws throughout the country.

There appear to have been fewer reports than in previous years of restrictions placed on the missionary activities of Pentecostal believers by officials of the Khabarovsk administration's Department of Religion.

Representative offices of foreign religious organizations were required to register with state authorities. In practice, foreign religious representatives' offices have opened without registering or were accredited to an existing, registered, religious organization but were not permitted to conduct religious activities and did not have the status of a religious "organization."

Reregistration was not the only issue faced by minority religious groups. Some local and municipal governments prevented religious groups, including congregations of Jehovah's Witnesses, Protestants, Catholics, Mormons, and Hare Krishnas from using venues suitable for large gatherings and from acquiring property for religious uses. Regional and local authorities at times refused to lease facilities to local communities of Jehovah's Witnesses, particularly following the June ruling banning the group in Moscow. Religious assemblies held by Jehovah's Witnesses were disrupted in Moscow, Yekaterinburg, Vladimir, Khabarovsk, and Chelyabinsk during the year. The Witnesses were told in Vladimir that they could use a venue to meet as long as they had permission from a local Russian Orthodox priest. In Krasnoyarsk, the Jehovah's Witnesses community managed to rent facilities only with assistance of a local expert on religious issues. Jehovah's Witnesses also reported continuing difficulties obtaining construction permits. In Sosnovyy Bor, in the Leningrad Region, local authorities refused to let a Witnesses community use land to construct a prayer center. They based the refusal on the results of a March 14 referendum, by which 90 percent of the city inhabitants voted against the construction.

Muslims in Krasnodar continued unsuccessfully to seek authorization from the mayor's office to build a new mosque in the city of Sochi.

There were instances in which local officials detained individuals engaged in the public discussion of their religious views, but the individuals were released quickly.

The Government continued to deny particular foreign missionaries visas to return to the country, reportedly because of their earlier conflicts with authorities. During the year, some religious organizations, particularly Roman Catholics and Protestants, reported experiencing difficulties obtaining long term visas for their employees and missionaries. The Catholic Church reported, for example, that some of its clergy were only granted 3 or 6 month visas, although others were granted 1 year visas. The Mormons, in contrast, noted an improvement in their ability to secure visas for their foreign missionaries and reported that all of them received 1 year, multiple entry visas. The Mormons encountered some difficulties in securing residency permits for missionaries but noted the difficulties varied from region to region and did not constitute a systemic problem.

In June, officials in the Kursk region adopted a law restricting missionary activity, including the use of venues in which religious meetings could be held. A similar law was passed in Smolensk. The laws were based on a 2001 law that was adopted in neighboring Belgorod. Under these laws, foreigners visiting these regions are forbidden to engage in missionary activity or to preach unless specifically authorized according to their visas (some groups reportedly sent religious workers on business or tourist visas in order not to alert the authorities to their activities). However, according to local religious officials, the Belgorod, Smolensk, and Kursk laws were not enforced.

After denying at least three previous visa requests, the Government granted the Dalai Lama a visa, reportedly on the condition that his visit be limited to pastoral activities. From November 29 to December 1, the Dalai Lama visited Kalmykia, where he consecrated a Buddhist temple and led religious services.

The Federal Government backed away from previous plans to promote a compulsory nationwide course in schools on the "Foundations of Orthodox Culture," using a textbook by that title which detailed Orthodox Christianity's contribution to the country's culture. Although schools in over 20 regions still used the book, the Ministry of Education rejected funding for another edition and further circulation of the textbook. Many religious minorities had complained about negative language describing non Orthodox groups, particularly Jews. In September, Education Minister Andrey Fursenko announced plans for a new school course, taught by laypersons, entitled "History of Religion," which would teach the history of all religions, not only Orthodoxy. The authorities had not yet introduced the course nationwide or selected a textbook for it. However, Moscow city schools have introduced a course similar to the one that the Education Minister proposed.

Tensions continued between the ROC and the Vatican. The ROC often alleged that the Catholic Church deliberately sought to proselytize among ROC faithful, a charge that the Vatican denied.

The restitution of religious property seized by the Communist regime remained an issue. While authorities have returned many properties used for religious services, including churches, synagogues, and mosques, some in the Jewish community assert that only a small portion of the total properties confiscated under Soviet rule has been returned. The Jewish community was still seeking the return of a number of synagogues, religious scrolls, and cultural and religious artifacts, such as the Schneerson book collection, a revered collection of the Chabad Lubavitch.

Unlike in the previous reporting period, in which there were no functioning synagogues in Krasnodar Kray, a two room Jewish community center in Sochi was used as a synagogue. There were still no synagogues in Krasnodar city.

Many in the Jewish community continued to state that conditions for Jewish persons in the country had improved, primarily because there was no longer any official, "state sponsored," anti-Semitism. At the federal level and in some regions, officials have shown an interest in hearing the concerns of the Jewish community. However, anti-Semitic incidents against individuals and institutions continued, including attacks on individuals identifiable as Jews and attacks on Jewish property and cemeteries. Preliminary Anti Defamation League (ADL) statistics for the year indicated that, while the number of anti-Semitic incidents remained roughly stable, the nature of the attacks had become more violent. There were no reports that the Government encouraged anti-Semitic statements; leaders condemned them and even prosecuted some individuals for making them; however, many lower level officials continued to be reluctant to call such acts anything other than "hooliganism."

In April, Jewish youth leader Aleksandr Golynskiy was beaten near his home in Ulyanovsk and sent to the hospital. Two days later, extremists stormed the Ulyanovsk Jewish Center screaming, "don't pollute our land," smashing windows, and tearing down Jewish symbols as Jewish women and children hid inside. No one was injured, but police failed to respond quickly, arriving 40 minutes after they were called. A member of the extremist National Bolshevik Party was later arrested in connection with the attack. The investigation was ongoing at year's end. In Voronezh, on April 29, two young skinheads attacked Aleksey Kozlov outside the headquarters of the Inter Regional Human Rights Movement of which he is in charge. Kozlov is the regional monitor for an anti-Semitism and racism project in Russia sponsored by the European Commission. Authorities detained the two teenagers but did not charge them; one was below the age of criminal responsibility, and the other allegedly shouted threats but did not use force. In December, two Jews were beaten in separate hate crimes in Moscow, one while riding a train and the other while walking on the street.

During the year, unknown persons vandalized synagogues, Jewish cemeteries, and memorials. Vandals desecrated tombstones in cemeteries dominated by religious and ethnic minorities in numerous cases. These attacks usually were accompanied by swastikas and other ultra nationalist symbols. Localities in which Jewish cemeteries were desecrated during the year included St. Petersburg, Petrozavodsk, Pyatigorsk, Makhachkala, and Derbent. In February and December, Jewish tombs were desecrated with swastikas in one of the oldest cemeteries in St. Petersburg. On March 31, a Jewish cemetery was desecrated in Kaluga, and, after the local Jewish community chairman notified the governor about the incident, four teenagers and two adults suspected in the vandalism were detained. On November 25, a court sentenced three of the individuals, including one minor, to 2 years' probation. The other participants were too young to prosecute. In April, July, and August, unknown persons vandalized the Jewish cemetery in Petrozavodsk.

Anti Semitic rhetoric has been used by some members of the Rodina bloc, the Liberal Democratic Party of Russia (LDPR), and the Communist Party of the Russian Federation (KPRF) in their public statements. Anti Semitic themes appeared in some local election campaigns.

Hundreds of extremist publications, including newspapers, were distributed throughout the country, sometimes containing anti Semitic, anti Muslim and xenophobic articles. Anti Semitic themes continued to figure in some local publications around the country, unchallenged by local authorities. In cases where Jewish or other public organizations attempted to take legal action against the publishers, the courts generally were unwilling to recognize the presence of anti Semitic content. Some NGOs claimed that many of these publications were owned or managed by the same local authorities who refused to prosecute.

While religious matters were not a source of societal hostility for most citizens, members of minority and "non traditional" religions continued to encounter prejudice, societal discrimination, and in some cases physical attacks. Authorities usually investigated incidents of religious vandalism and violence, but arrests of suspects were extremely infrequent, and convictions were rare. Relations between non traditional religious organizations and traditional ones frequently were tense, particularly at the leadership level.

The press reported that on August 7, a local Cossack group organized a protest against Mormon plans for the construction of a meetinghouse in Saratov city. Muslim and ROC leaders also spoke out against the construction.

Popular attitudes toward traditionally Muslim ethnic groups remained negative in many regions, and there were manifestations of anti Semitism as well as societal hostility toward Catholics and adherents of newer, non Orthodox, religions. Many observers reported that incidents of racially or ethnically motivated attacks increased significantly in recent years, although it was often difficult to determine whether xenophobia, religion, or ethnic prejudices were the primary motivation behind violent attacks. Conservative activists claiming ties to the ROC disseminated negative publications and staged demonstrations throughout the country against Catholics, Protestants, members of Jehovah's Witnesses, and religions new to the country, and some ROC leaders publicly expressed similar views.

Ethnic tensions ran high in the predominantly Muslim North Caucasus region and in major cities. Anti Chechen and anti "Wahabist" sentiment increased after each terrorist attack tied to Chechen rebels and spiked in some regions after the September seizure of a school in Beslan, North Ossetia, in which hundreds of persons, including many children, died at the hands of terrorists (see 1.g.). On September 18, between 20 and 50 "skinheads" beat and stabbed four persons from the Caucasus on the Moscow metro. The "skinheads" reportedly screamed, "this is for the terrorist acts," while attacking. A journalist for a respected national newspaper who witnessed the attack claimed that a skinhead "brigadier" ordered some of the attackers to seal the area and prevent male passengers from rescuing the victims.

Numerous press reports documented anti Islamic sentiment. Officials from a mosque in Bratsk, Irkutsk region, continued to complain of harassment and non responsiveness by local authorities to their reports of anti Muslim behavior. The Muslim community in Bratsk is large there are 18,000 Muslims in Bratsk out of a population of 450,000 and one mosque official stated that the local Muslim population was being blamed for problems in Chechnya. The Chairman of the Council of Muftis of Russia, Ravil Gaynutdin, head of the Central Spiritual Board of Russia's Muslims, Talgat Tadzhuddin, and head of the Coordinating Center of Muslims of the North Caucasus, Ismail Berdiyev, issued a joint statement denouncing terrorism. The leaders of the country's Muslims declared that it was necessary to resist extremists and terrorists who make use of religious slogans.

The number of underground nationalist extremist organizations (as distinguished from such quasi public groups as Russian National Unity) appeared to be growing. The continuing proliferation of skinhead groups was a phenomenon of particular concern. According to one human rights observer, there were approximately 50,000 skinheads in 85 cities, including 5,000 in Moscow. The rise of extremist youth organizations was also troubling. As of March, the MVD was aware of 453 extremist youth organizations in Russia, with membership totaling over 20,000 people. Most of the skinhead groups were in Moscow, St. Petersburg, Nizhniy Novgorod, Yaroslavl, and Voronezh. The region with the greatest number of extremist youth organizations was Tatarstan there were 108 known groups in the Republic compared with 62 in Moscow and Moscow region and 31 in St. Petersburg. Skinheads primarily targeted foreigners and individuals from the Northern Caucasus, but they also expressed anti Muslim and anti Semitic sentiments and hostility toward adherents of "foreign" religions.

The Constitution mandates the availability of alternative civilian service to those who refuse to bear arms for religious or other reasons of conscience. A law on alternative civil service took effect on January 1, and two supplements to the law were issued in March. The first supplement listed 722 organizations to which draftees may be assigned for the alternative service, and the second listed 283 activities that draftees were permitted to perform. On June 1, Prime Minister Fradkov signed regulations

regarding the implementation of the law on alternative civilian service performance. Some human rights groups complained that the extended length of service for draftees requesting alternative assignments (1.75 times longer than regular military service) acted as a punishment for those who choose to exercise their religious or moral convictions.

The Jehovah's Witnesses organization reported that approximately 95 Witnesses had applied for alternative civilian service under the new legislation. As of mid December, 64 Witnesses had been recognized as conscientious objectors and deemed eligible for alternative civilian service. Approximately 30 Witnesses were denied alternative civilian service, in some cases because their applications were allegedly not filed in time. According to the Jehovah's Witnesses organization, at least six criminal cases were initiated during the year against members who claimed conscientious objector status: Three of defendants were acquitted and three received fines or suspended sentences.

For a more detailed discussion, see the [2004 International Religious Freedom Report](#).

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution provides for these rights; however, the Government placed restrictions on freedom of movement within the country and on migration.

All adults are issued internal passports, which they must carry while traveling, and they are expected to register with the local authorities within a specified time of their arrival. The authorities often refused to provide governmental services to individuals without internal passports or the proper registration. A government decree enacted on December 22 extended the amount of time that could lapse before registration is required from 3 to 90 days; however, immediately following the law's announcement, the Moscow police chief ordered the police to continue its document checks on the streets to verify document authenticity. The new law does not affect foreigners, who are still required to register within 3 business days of their arrival in a locality.

The Constitution provides citizens with the right to choose their place of residence freely; however, some regional governments continued to restrict this right through residential registration rules that closely resembled the Soviet era "propiska" (pass) regulations. Citizens must register to live and work in a specific area within 7 days of moving there. Citizens changing residence within the country, as well as persons with a legal claim to citizenship who decide to move to the country from other former Soviet republics, often faced great difficulties or simply were not permitted to register in some cities. Corruption in the registration process in local police precincts remained a problem. Police demanded bribes when processing registration applications and during spot checks for registration documentation. The fees for permanent and temporary registration remained low. Moscow's registration requirement which police reportedly used mainly as a means to extort money remained in force at year's end.

While federal law provides for education for all children, regional authorities frequently denied access to schools to children of unregistered persons, asylum seekers, and migrants because they lacked residential registration (see Section 5).

According to NGOs, the city of Moscow and some other jurisdictions frequently violated the rights of nonresidents and ethnic minorities, as well as the rights of those legitimately seeking asylum. Moscow police, particularly special OMON units, conducted frequent document checks, particularly of persons who were dark skinned or appeared to be from the Caucasus. There were many credible reports that police imposed fines on unregistered persons in excess of legal requirements and did not provide proper receipts or documentation of the fine. According to HRW and church ministries tracking interethnic violence, it was not unusual for darker skinned persons to be stopped at random and for officers to demand bribes from those without residence permits (see Section 1.c.).

In mid September, following the school tragedy in Beslan (see Section 1.g.), Moscow police rounded up more than 11,000 citizens and foreigners on suspicion of living in the city without registration, and 840 detainees were deported.

Federal authorities restricted the entry of foreigners into many cities, including Norilsk and Novoye Urengoy. While the federal Constitution permits entry restrictions for reasons of state security, these cities sought the restrictions because of perceived economic benefits.

Krasnodar Kray authorities continued to deny between 10,000 to 12,000 Meskhetian Turks the right to register, which deprived them of all rights of citizenship despite provisions of the Constitution that entitled them to citizenship. While the authorities in most other areas generally did not prevent the Meskhetian Turks from registering, the Meskhetian Turks and some other smaller ethnic minorities living in Krasnodar were subject to special registration restrictions; for example, they were required to register as "guests" rather than as residents, and reregister every 45 days. In addition, in an effort to force them from the territory, the Krasnodar Kray administration repeatedly announced plans to create "unbearable conditions" for the Meskhetian Turks and other "illegal migrants." In July, Governor Tkachev publicly welcomed the prospect that some Meskhetian Turks were accepting an offer to emigrate to another country, signaling it as a way to rid the region of them.

The Krasnodar authorities also attempted to use economic measures to drive out the Meskhetian Turks. According to Memorial, the Krasnodar authorities continued to prohibit the Turks from leasing land, gaining employment or engaging in commercial activity in local markets. The Meskhetian Turks have subsisted by leasing land primarily in other districts of Krasnodar Kray or even other regions, such as Rostov, Volgograd, and Kalmykia.

Memorial reported that in August and September, a relatively small scale campaign against Meskhetian Turks was carried out in Krymsk district and in Novorossiysk, both in Krasnodar Kray. The police stopped and checked persons who looked like Meskhetian Turks, immediately releasing those who declared their intention to emigrate and penalizing the others.

The Constitution provides for freedom to travel abroad and citizens generally traveled without restriction; however, there were a few exceptions. If a citizen had been given access to classified material, police and FSB clearances were necessary in order to receive an external passport. Persons denied travel documents on secrecy grounds could appeal the decision to an Interagency Commission on Secrecy chaired by the First Deputy Foreign Minister.

Emigrants who had resettled permanently abroad but were traveling on Russian passports generally were able to visit or repatriate without hindrance; however, visiting emigrants who initially departed without obtaining exit permission have been stopped at the border and prevented from exiting the country (although they may enter without difficulty), since they could present neither a nonimmigrant visa to another country nor evidence of permission to reside abroad legally.

The Constitution prohibits forced exile, and the Government did not employ it.

The Constitution provides all citizens with the right to emigrate and this right generally was respected. There were logistical delays related to exit permission for those trying to depart for countries that have granted them refugee status.

As of August, 7,310 citizens appealed to foreign embassies with requests for refugee status, a drop from the 12,700 appeals filed during the first 6 months of 2003. Many persons fleeing Chechnya applied for refugee status. The UNHCR stated that many of these refugee seekers at times faced detention, deportation, fines by the police and racially motivated assaults, sometimes even leading to the loss of life.

A Soviet requirement that citizens receive a stamp permitting "permanent residence abroad" (PMZh) in order to emigrate essentially a propiska for those living outside the country was formally abolished in 1996; however, implementation of the change (which had been scheduled to take place early in 1997) remained incomplete. According to the International Organization for Migration (IOM), border guards continued to require a PMZh like stamp of all emigrants, and local authorities in some regions continued to issue it to citizens with valid external passports.

A Law on Citizenship, which came into effect in 2002 and was amended in December 2003, made access to citizenship more difficult by requiring possession of a residence permit or propiska. The law also requires 5 years of uninterrupted residence from the time of issuance of a residence permit, a lawful source of income, an application renouncing previous citizenship, and an established knowledge of the Russian language.

Amendments to the laws governing citizenship sought to facilitate the acquisition of Russian citizenship by former Soviet citizens residing on the territory of the Russian Federation by waiving all the other requirements except the need to have been registered temporarily or permanently at a place of residence in the Russian Federation as of July 1, 2002. The authorities have estimated that up to 1.5 million former Soviet citizens could benefit from the new law; however, some NGOs informed the UNHCR that the registration and permit requirements would limit the number of beneficiaries. In principle, the legal precedents set forth in earlier citizenship legislation which authorized citizenship on similar grounds to citizens who were legally in the Russian Federation as of February 6, 1992, were still in effect; however, the authorities have not always been willing to recognize the acquisition of citizenship on this basis.

The federal law on the legal status of foreign citizens imposes a 3 month deadline on non citizen residents for obtaining visas or long term resident status but did not include an exhaustive list of documents required for official registration, leaving the MVD considerable discretion in registration matters. According to human rights observers, this law, and the new citizenship law, could further increase the difficulties facing groups such as Meskhetian Turks in Krasnodar and other regions who have been denied citizenship documentation in contradiction to the laws governing citizenship.

International agreements permit persons with outstanding warrants from other former Soviet states to be detained for periods of up to 1 month while the Prosecutor General investigates the nature of outstanding charges against the detainee. This system was reinforced informally, but effectively, by collegial links among senior law enforcement and security officials in the various republics of the former Soviet Union. Human rights groups continued to allege that this network was employed to detain opposition figures from the other former Soviet republics without legal grounds. According to Memorial, some detainees were kept in custody for more than 1 month. For example, a teacher of Arabic from Uzbekistan was detained in Saratov region and spent a year in custody from 2002 to 2003 before the authorities decided not to carry out the Uzbek warrant of extradition. He was then released, but abducted in July and transported back to Uzbekistan where he remained in jail at year's end.

At year's end there were an estimated 39,000 IDPs from Chechnya in Ingushetiya, in temporary settlements or in the private sector, and there were 200,000 Chechen IDPs in various parts of Chechnya. Approximately 8,000 Chechen IDPs reportedly were in Dagestan, 1,105 in North Ossetia, 2,610 in Georgia, and 20,000 elsewhere in the country. In addition to ethnic Chechen IDPs, almost the entire population of ethnic Russians, Armenians, and Jews left Chechnya during the strife of the past decade.

Government officials stated publicly that they would not pressure or compel IDPs to return to Chechnya, and Ingush President Zyazikov promised that accommodation would be found for those remaining in Ingushetiya. Federal and local authorities

consistently stated their determination to repatriate all IDPs back to Chechnya as soon as possible. Representatives of the Chechen administration visited camps in Ingushetiya to encourage IDPs to return to Chechnya, usually to temporary IDP facilities. In addition, during the year, the authorities closed the last remaining three tent camps in Ingushetiya; they had housed 5,978 persons. Although some of the inhabitants chose to remain in Ingushetiya, the UNHCR estimated that 70 to 75 percent chose to return to Chechnya. Following the June attacks by Chechen fighters in Ingushetiya, security forces conducted raids at several IDP settlements. Human rights NGOs reported that some of these raids resulted in IDPs being beaten or otherwise mistreated (see Section 1.g.). At times, the border between Chechnya and Ingushetiya was closed because of military operations. Federal border guards and police officers on the border between Chechnya and neighboring regions and at checkpoints within the country frequently required travelers to pay bribes. Some Chechens also had trouble traveling because their documents were lost, stolen, or confiscated by government authorities. Officials stopped registering IDPs in Ingushetiya in 2001, depriving new arrivals of the possibility of regularizing their status in the republic. Local authorities also frequently removed IDPs from the registration lists if they were not physically present when the authorities visited their tents. There were frequent interruptions in gas and electricity to IDP camps in Ingushetiya, events that the IDPs often viewed as pressure to return to Chechnya. Despite the inadequacy of the temporary lodging for IDPs in Chechnya, UNHCR officials reported that more than 26,000 IDPs returned to Chechnya from Ingushetiya between January 1 and October 15.

International and domestic organizations expressed concerns during the year over the Government's commitment to principles of voluntary return and alternative shelter in its treatment of Chechen IDPs in Ingushetiya, particularly with regard to the closure of tent camps. The Norwegian Refugee Council noted that threats of eviction, removal from humanitarian distribution lists, and security checks in settlements were used to create feelings among IDPs that returning to Chechnya was their only option (see Section 4).

The law provides for the granting of asylum or refugee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees or its 1967 protocol, but the Government had not established a system for providing protection to refugees. In practice, the Government provided some protection against refoulement, the return of persons to a country where they feared persecution; however, it rarely granted asylum, and it returned individuals who sought entry without proper documentation to their countries of origin, including to countries where they demonstrated a well founded fear of persecution. The Government cooperated to a limited extent with the UNHCR and the IOM; both organizations assisted the Government in trying to develop a more humane migration management system, including more effective and fair refugee status determination procedures. At year's end, UNHCR had registered 42,931 asylum seekers who originated from outside the territories of the former Soviet Union since 1992. The UNHCR reported that only 2,962 of these were active cases, composed of 5,793 individuals still seeking asylum or receiving UNHCR assistance. The remainder integrated into society, left the country, resettled, or repatriated. The Government acted more expeditiously and with greater leniency in cases involving applicants who had been citizens of the former Soviet Union. There continued to be widespread ignorance of refugee law both on the part of officials and would be applicants.

A number of workers and students from Africa and Asia who came to work or study in accordance with treaties between their countries and the former Soviet Union remained in the country. The Government did not deport them but continued to encourage their return home. Between January and November, the UNHCR resettled a total of 515 persons, of whom 306 were Afghans and 145 were Africans.

A group of approximately 1,000 to 1,500 ethnic Armenian refugees evacuated from Azerbaijan in the late 1980s, due to ethnic violence, remained housed in "temporary quarters," usually in Moscow hotels or workers' dormitories. Representatives of the community previously stated that they were not interested in citizenship, which would entitle them to the benefits accorded to forced migrants, because they did not believe such a step would improve their material situation. They also rejected offers of relocation to other regions, alleging that the alternative housing that they were offered frequently was not suitable or available. However, as a result of a UNHCR project that has been providing legal assistance to the Baku Armenians since May 2002, by December, approximately 200 had received Russian citizenship and 60 others had pending citizenship applications.

In August, 270 residents of the Zelenogradskiy Accommodation Center for refugees, located on the outskirts of Moscow, were forced by the private landowner to evacuate the building. The Moscow Region Migration Service stated that 27 individuals were eligible to move to other temporary accommodation centers because they had refugee status, temporary asylum or asylum seeker certificates. The others were forced to find alternative shelter using a lump sum in cash provided by UNHCR. FMS officials told UNHCR that there was an urgent need for an emergency reception center in the Moscow region to maintain security and public order since the majority of asylum seekers, refugees and illegal migrants are concentrated in the capital.

The UNHCR continued to be concerned about the situation of asylum seekers and refugees at Moscow's Sheremetyevo 2 airport. The authorities systematically deported improperly documented passengers, including persons who demonstrated a well founded fear of persecution in their countries of origin. Legally bound to provide food and emergency medical care for undocumented travelers, the airlines returned them to their point of departure as quickly as possible; airlines were fined if an undocumented passenger was admitted to the country but not if the passenger was returned to the country of origin. The treatment of asylum seekers in the transit zone reportedly was harsh. The UNHCR received reports of physical and verbal abuse of transit passengers by police officers and Aeroflot airline employees. During the year, at least four persons were stranded in the transit zone of Sheremetyevo 2 airport for more than 3 months while three cases involving six persons were resettled by the UNHCR to another country. Among the latter were two persons who had resided in the airport transit zone for more than 15 months. In July, the authorities rejected asylum applications by two Ethiopians stranded in Sheremetyevo 2; the UNHCR initiated emergency resettlement. Despite several serious deportation and refoulement attempts by Aeroflot, the individuals safely departed to Norway later in July. According to the UNHCR, at year's end, four asylum seekers were still stranded in the airport.

There were 114 Points of Immigration Control (PICs) at border crossings and international airports. Most of the cases referred to them dealt with labor migrants both entering and leaving the country. A few were asylum seekers. To the UNHCR's knowledge, no asylum seeker arriving at Sheremetyevo 2 airport has been accepted by the PICs since at least 1999. All of those who were interviewed (and rejected) were denied legal entrance into the country and generally referred to the UNHCR. During the year, the UNHCR continued to examine each case and seek resettlement on an emergency basis for those deemed to be in need of international protection. At the beginning of the year, several staff members from PIC were reassigned to other units within the migration service of Moscow region, and the UNHCR observed that the PIC office located in the international transit zone was not always staffed. The UNHCR further noticed a decrease in the number of newly arrived asylum seekers reported in the first half of the year.

Section 3

Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their Government peacefully; while citizens generally have exercised this right in practice, the March 14 Presidential elections failed to meet international standards in a number of areas.

The Constitution establishes four branches of Government: The Presidency; the Federal Assembly made up of two houses (the State Duma and Federation Council); the Government and Council of Ministers headed by the Prime Minister; and the Judiciary. The Constitution gives predominance to the Presidency, and the President utilized his many powers to set national priorities and establish individual policies.

Incumbent President Putin, who had first been named acting President in 1999 and elected in 2000, was reelected on March 14 by a wide margin. The elections were observed by the OSCE, which offered a positive evaluation of the technical conduct of the balloting but concluded that the overall election process, marred by widespread misuse of administrative resources, systematically biased campaign coverage, and inequitable treatment of political parties, failed to meet international standards. Although the legal requirements for televised political debates and free time for party candidates to present their views were observed, the Government used its increasing influence over the media, particularly the electronic media, to promote favored candidates in newscasts and other programming, resulting in coverage that was heavily biased in favor of incumbent President Putin (see Section 2.a.).

In the December 2003 parliamentary elections, the ability of opposition parties, particularly those receiving funding from some so called oligarchs, to mount strong campaigns was seriously hampered by the investigation and arrest of Yukos President Mikhail Khodorkovskiy, a step widely believed to have been prompted, at least in part, by the considerable financial support he provided to opposition groups. Other wealthy benefactors of opposition parties and candidates appeared to have responded to what they regarded as an implied threat by reducing their own involvement in political contributions. The pro government forces, in contrast, drew heavily on "administrative" resources, using the power and influence of regional and local officials to maximize media coverage and campaign financing, and in some instances local electoral commissions appeared to bend the law to disqualify local opposition Duma candidates, leading to a small number of questionable disqualifications. As a result, the parliamentary elections failed to satisfy a number of international criteria for democratic elections.

In Chechnya, the authorities held a Presidential election on August 29. Official results indicated 74 percent of voters chose the Kremlin endorsed candidate, but regional experts who were present on the ground on election day alleged that the Kremlin announced voter turnout numbers were artificially high and that significant voting irregularities took place. The main candidate to replace Akhmed Kadyrov, who was assassinated on May 9, was Chechen Interior Minister Alu Alkhanov. Alkhanov was reportedly supported by Kadyrov's son, Presidential Guard chief Ramzan Kadyrov, and was unofficially endorsed by President Putin. Chechen businessman Malik Saidulayev, whom electoral officials disqualified on questionable grounds, had challenged Alkhanov. The official media coverage of the election campaign was strongly supportive of Alkhanov.

Competitive elections for other regional and local offices were held throughout the year. Most observers viewed these elections as generally free and fair, although there were problems in some regions involving unequal access to the media, non compliance with financial disclosure requirements, and the use of "administrative resources" (such as government staff and official media) by incumbents to support their candidacies. Challengers were able to defeat incumbents in some of the races for regional executive positions, and losing candidates generally accepted the legitimacy of the voting results. Some incumbent governors reportedly pressured local press organizations to support their candidacies or deny support to their challengers. The counting of the votes in most locations was professionally done; however, incumbents, particularly those with connections to the Kremlin, enjoyed significant advantages in media access and financing during their campaigns.

In a number of regions, including Chechnya, there were incidents in which central or regional officials employed a number of forms of electoral manipulation, including pressuring candidates to withdraw from elections and disqualifying candidates through apparently prejudiced application of the elections laws.

In December, human rights activists investigated mass beatings and detentions by police in Bashkortostan. Police allegedly beat residents because they voted "incorrectly" in the republic's December presidential election (see Section 1.c.).

A Kremlin proposed law enacted in December eliminated the direct election of the country's regional leaders. The new law provides that Governors be nominated by the President subject to confirmation by regional legislatures. Regional legislatures that fail to confirm the President's choice are ultimately subject to dissolution. Governors in power at the time the law entered into force were given the option of either serving out their elected term or resigning early in order to appeal for a presidential appointment.

Political parties historically have been organizationally weak. Although laws enacted in 2001 and 2002 included a number of measures that enlarged the role of political parties, particularly established political groupings, they also gave the executive branch and Prosecutor General broad powers to regulate, investigate, and close down parties. Other changes increased campaign spending limits, shortened the campaign period, limited the conditions under which candidates could be removed from the ballot, and imposed restrictions on media coverage. A law enacted during the year raised the official membership requirements for political parties from 10,000 to 50,000, which may make it difficult for smaller parties to register. Parties that were already registered were given until January 2006 to comply with the new requirements.

The electoral proposals enacted and considered during the year, particularly the elimination of direct gubernatorial elections, continued the consolidation of political power in the hands of the Kremlin. Khodorkovskiy's arrest in October 2003 on charges of fraud in connection with privatization of industrial assets in the 1990s was the most recent of a number of politically motivated moves against wealthy "oligarchs" who represented centers of potential political and media opposition to the President (see Section 4). Many human rights observers viewed it as a warning to other oligarchs against involvement in political affairs and against providing financial support to independent civil society.

Corruption is a widespread and longstanding problem in both the legislative and executive branches. Manifestations included bribery of officials, misuse of budgetary resources, theft of government property, extortion, and official collusion in criminal acts. In a 2002 survey by Transparency International, 75 percent of respondents considered the law enforcement agencies to be dishonest. An anti corruption campaign was launched in the summer of 2003 against high level officials in the Ministry of Interior and Ministry of Emergency Situations. Seven Moscow Criminal Police colonels and General Vladimir Ganeyev from the Ministry of Emergency Situations were arrested and charged with bribery and extortion in an organized criminal group. This anti corruption operation in Moscow was followed by a wave of criminal investigations against corrupt law enforcement officials throughout the country. According to press reports, these anti corruption operations did not change the situation with regard to public corruption and were widely viewed as a public relations campaign for the approaching elections to the State Duma and Presidency. Corruption played a particularly important role in the political process in many of the regions.

The Federal Law on Information and a law on participation in international information exchange regulate access to government information. Both laws authorize public access to all government information resources unless the information is designated confidential or classified by the law as a state secret. The information law specifies types of information that cannot be classified as secret or confidential, including laws and government regulations, information on emergency situations, ecological data, public health, demographic factors, and documents from libraries and archives open to the public. Information classified as a state secret is regulated by the Law On State Secrets of 1993 and by a 1995 Presidential Decree setting out a list of information classified as state secrets. According to articles 13 and 24 of the Law on Information, a refusal to provide access to open information or the groundless classification of information as state secret or confidential can be contested in court.

The courts convicted three suspects in the murder of Sergey Yushenkov, a prominent Duma Deputy and Liberal Russia party co Chairman who was shot to death in April 2003 (see Section 1.a.).

There appeared to have been no progress in investigating the death of Yuriy Shchekochikhin, a prominent Duma deputy and deputy editor of Novaya Gazeta, who died in July 2003 under mysterious circumstances (see Section 1.a.).

There were 45 women in the 450 member State Duma, and 6 in the Federation Council. A woman, Lyubov Sliska, served as First Deputy Speaker of the Duma. Svetlana Orlova was a Vice Chair of the Federation Council, and Valentina Petrenko chaired the Federation Council's Social Policy Committee. One woman, Valentina Matviyenko, served as governor of a prominent region, St. Petersburg.

Legal provisions have allowed national minorities to take an active part in political life; however, ethnic Russians dominated the political system, particularly at the federal level, and national minorities generally were underrepresented in many areas of public life. 227 deputies in the State Duma specified their ethnic background. Of these, 46 were not ethnic Russian.

Section 4

Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

Domestic and international human rights groups generally continued to operate in the country, investigating and publicly commenting on human rights problems; however official harassment of NGOs increased. The authorities harassed some of the most prominent NGOs in Moscow during the year, and other official actions and statements indicated a declining level of tolerance for unfettered NGO activity. NGOs seeking to operate in the northern Caucasus were severely hampered.

The authorities continued to audit Otkrytaya Rossiya, the NGO established by former Yukos CEO Mikhail Khodorkovskiy. Observers believe that the audit represents the first step toward disbanding the organization.

In November 2003, dozens of men in camouflage raided the Moscow offices of the Soros Foundation's Open Society Institute. The press reported that the men hauled away documents and computer data covering 15 years. Private security forces carried out the operation; they were allegedly hired by a businessman with whom the Foundation had been having a legal dispute, but some observers regarded the action as government inspired. The Soros Foundation split the Open Society Institute/Russia into 15 separate foundations that would be jointly financed by Soros and domestic donors for the next 3 years with an eventual turnover to all Russian financing.

Despite considerable litigation, the prosecution of Yuriy Samodurov, the Director of the Sakharov Center in Moscow, had not reached its conclusion by year's end. Samodurov, another employee Lyudmila Vasilovskaya, and artist Anna Mikhalkchuk, were charged with inciting national, racial, and religious hostility by organizing a provocative religious exhibit at the Sakharov Center in January 2003.

In the regions, some local officials harassed human rights monitors, and the Government continued to decline to reverse its 2002 refusal to renew an agreement with the OSCE Assistance Group, thus preventing the organization from conducting human rights monitoring in Chechnya. After President Kadyrov was elected in October 2003, President Putin eliminated the position of the President's human rights envoy to Chechnya, asserting that the position was unnecessary because Chechnya was no different than other republics of the Federation, none of which had presidential representatives for human rights. Some government officials viewed the activities of some NGOs in regard to Chechnya with great suspicion. In his May State of the Nation speech, President Putin suggested that "far from all [NGOs] are geared toward defending people's real interests. For some of these organizations, the priority is rather different— obtaining funding from influential foreign or domestic foundations. For others it is servicing dubious group or commercial interests..."

On July 12, approximately 20 Ingush MVD militia officers, most in camouflage and masks, raided the office of the Society of Russian Chechen Friendship (SRCF) in Ingushetiya. The SCRF is widely known for its reporting on the human rights situation in the North Caucasus. Computers, office equipment, and petitions and letters from the public were confiscated, and a staff member was arrested, held overnight, and later released.

The National Democratic Institute (NDI) reported pressure on it and on its domestic partner, the VOICE Association for Voters' Rights from Central Authorities. Following the President's comments, the Minister of Foreign Affairs, Sergey Lavrov, held a meeting for NGOs to which such prominent NGOs such as Memorial and the Committee of Soldiers' Mothers, known for their criticism of the Kremlin, were not invited. Following the Committee of Soldiers' Mothers announcement that it intended to meet with Chechen rebel leader Aslan Maskhadov or his emissary Akhmed Zakayev, Duma deputies called for an investigation of the group and its finances. Prosecutors opened an investigation in November. The results of the investigation had not been announced at year's end.

A Krasnodar court ordered the "School for Peace" to disband on February 19 after the MOJ complained about its work in support of Meskhetian Turks (see Section 2.d.). The school's lawyers appealed to the Supreme Court and to the ECHR. Meanwhile, a new charity organization, Froda, which had been registered in December 2003, continued to act as a successor of the School for Peace. The team remained the same and its work continued.

Several NGOs reported increased difficulties in their relations with local authorities. These ranged from visa and registration problems to delays in permission to enter Chechnya to denial of permission to enter IDP camps in order to provide assistance.

The Government's attitude towards human rights NGOs varied; the level of cooperation tended to depend on the perceived threat to national security or level of opposition that an NGO might pose. For example, most NGOs monitoring prison conditions generally enjoyed an excellent relationship with government authorities, but those monitoring Chechnya had more tense relations and in Krasnodar Kray the leaders of the organization, Mothers Defending Rights of the Detained and Convicted, were themselves detained in May when they sought access to a prison camp to check reports of inhumane treatment of inmates. Officials, such as human rights Ombudsman Vladimir Lukin, regularly interacted and cooperated with NGOs.

Several NGOs were recognized and consulted by government and legislative officials for their expertise in certain fields, and such groups participated, with varying degrees of success, in the process of drafting legislation and decrees. AI and HRW were also active and published reports on Chechnya and other issues.

A variety of regionally based human rights groups operated during the year. Socioeconomic rights groups were the most numerous; they monitored such problems as unpaid wages and benefits. There were fewer civil political rights groups, but they included "generalist" organizations that covered the range of human rights issues and "specialist" organizations that covered only one issue. There were also public centers that provided legal advice to the general public (see Section 1.e.). Resources for human rights work were scarce; most groups relied on foreign support in the form of grants to maintain operations. Regional human rights groups generally received little, if any, international support, or attention. Although at times they reported that local authorities obstructed their work, criticism of the Government and regional authorities usually was permitted without hindrance. The authorities were reportedly less tolerant of criticism of a specific political leader in a region (such as a governor or a senior law enforcement official). Local human rights groups in the regions had far fewer opportunities than their Moscow counterparts to interact with legislators to develop legislation; local authorities excluded some from the process entirely.

The leaders of some well known domestic NGOs involved in human rights advocacy reported receiving death threats from nationalist organizations.

Some international NGOs maintained small branch offices staffed by local employees within Chechnya; however, all of them had their bases outside of Chechnya (see Sections 1.b. and 1.g.).

Every person within the jurisdiction of the Federation may appeal to the ECHR about alleged human rights violations that occurred after May 1998, when the European Convention on Human Rights entered into force. Complainants were not required to exhaust all appeals in domestic courts before they could turn to the ECHR, but they must have exhausted "effective and ordinary" appeals, which usually includes two appeals (first and cassation) in courts of ordinary jurisdiction or three (first, appeal, and cassation) in the commercial court system. As of September, the ECHR had received an estimated 14,000 complaints from Russia. Of those, approximately 6,500 were declared inadmissible, and almost 4,000 were registered as ready for decision. However, the ECHR relayed more than 150 complaints it had received on to the Government. The Court found 15 complaints to be admissible, and there were five findings of violations based on the merits. Many applications were rejected at the first stage of proceedings as being clearly incompatible with the formal requirements of the European Convention. Some cases were put on the Court's calendar for fuller consideration.

On October 14, the ECHR opened a hearing on the first six complaints from Chechen citizens whose relatives were killed or wounded as a result of the actions of federal forces in Chechnya in 1999 and 2000. These complaints, which were submitted in spring 2002, were the first complaints on Chechnya the ECHR has accepted. The Court was expected to announce its verdict in early 2005.

The Government's human rights institutions rarely challenged government activities but made efforts to promote human rights. The Office of the Human Rights Ombudsman, headed by Vladimir Lukin, commented on a broad range of human rights problems. Lukin's office had more than 150 employees and had several specialized sections responsible for investigating complaints of human rights abuses, including a section on religious freedom and a section on human rights education. During the year, the office published various reports on human rights problems. Lukin's role remained primarily consultative and investigatory, without powers of enforcement. By year's end, there were regional human rights ombudsmen with responsibilities similar to Lukin's in 24 of the 89 regions. Human rights committees and ombudsmen existed in other regions as well; however, the effectiveness of the regional ombudsmen and committees varied significantly from region to region.

The President's Human Rights Commission, headed by Ella Pamfilova and including a number of human rights activists, was active in promoting NGO concerns and working across a spectrum of contacts to advance human rights throughout the country. President Putin met with members of the Commission on several occasions throughout the year and met regularly with Pamfilova.

Section 5

Discrimination, Societal Abuses, and Trafficking in Persons

The Constitution prohibits discrimination based on race, sex, language, social status, or other circumstances; however, both governmental and societal discrimination persisted.

Women

Domestic violence remained a major problem, and victims rarely had recourse to the authorities for protection. Police were reluctant, and at times unwilling, to intervene in what they regarded as purely domestic disputes, although there have been some reports of police participating in NGO programs intended to raise awareness about the problem more generally. Much of society, including some leaders in the human rights community, did not acknowledge domestic violence as a problem or did not believe that it was an issue of concern outside of the family. There was a general lack of understanding of these problems in the legal community, and there was no legal definition of domestic violence. Some forms of battering are addressed in the Criminal Code but are defined too narrowly to apply to most cases. Some NGOs that worked in the field of domestic violence reported that they had increasing access to legal services.

AI cited reports by domestic NGOs indicating that more than a million women a year suffered from domestic violence. According to Aleksandra Kareva, the head of the legal department for Stop Violence, an association of women's crisis centers, nearly 100,000 persons called the group's hotlines in 2003. Stop Violence asserted that approximately 58 percent of those women had been subject to aggression or violence from their husbands, fiancés, or partners; 70 percent of wives suffered from some kind of domestic abuse by their husbands; and nearly a fifth of all women (18 percent) were constantly under threat of serious physical abuse by their husbands.

Official estimates indicated that, on average, more than 250,000 violent crimes are committed against women annually; however, such crimes usually were not reported. In 2003, 32 percent of all murder cases (9,500) were committed by family members against other family members.

Rape was a problem. In 2002, police recorded more than 8,100 crimes of rape (in 2001, more than 7,000 rape cases were registered). The Government provided no support services to victims of rape or other sexual violence; however, victims could act as full legal parties to criminal cases brought against alleged assailants and could seek legal compensation as part of the verdict without seeking a separate civil action. Hospitals, crisis centers, and members of the medical profession assisted women who were assaulted; however, to avoid spending long periods in court, some doctors were reluctant to ascertain the details of a

sexual assault or collect physical evidence.

Despite serious difficulties, many groups continued to address violence against women. NGOs, alone or in cooperation with local governments, operated more than 120 women's crisis centers throughout the country, and their numbers continued to grow. According to an association created by the centers, as of year's end, there were 15 governmental crisis centers and 50 non governmental centers in a total of 38 cities. The association's hotline received 340 calls daily. Several NGOs provided training on combating trafficking and domestic violence to police, Prosecutors, justices of the peace, and others in government.

Representatives of a foreign NGO who visited the Russian Far East (RFE) during the year reported that there were no crisis centers providing direct services to victims of domestic violence in the region, and that the majority of services offered by NGOs involved psychological counseling. They reported a new initiative in Vladivostok, led by a local NGO, to involve a variety of local professionals, such as psychologists/consultants (on telephone hotlines), doctors, lawyers, and representatives of mass media, in addressing domestic violence as a social problem.

While some conditions in the RFE may have been worse than some other regions, many of the experiences encountered by NGOs in the RFE reflected conditions throughout the country.

The obstacles encountered by NGOs included acceptance by the Government (lawmakers as well as law enforcers) and society as a whole of domestic violence as the norm and the attendant lack of political will to change the situation; weak integration of specialists and professionals in combating the problem and a lack of cooperation among NGOs; and a lack of resources, both financial and personal.

The organization and operation of a prostitution business is a crime, but the selling of sexual services remains only an administrative offense.

Trafficking of women for sexual exploitation or forced labor was a serious problem (see Section 5, Trafficking).

No law prohibits sexual harassment, and women have no recourse when sexually harassed. Anecdotal information suggested that many potential employers sought female employees who were receptive to sexual relations. Some firms asked applicants for employment to complete a form including the abbreviation "VBO," a Russian language abbreviation for "possibility of close relations," to which the applicant was expected to reply "yes" or "no." Alternatively, advertisements sometimes sought applicants "without complexes," which is taken to mean someone who was not opposed to relations with the potential boss as part of the job.

The Constitution states that men and women have equal rights and opportunities to pursue those rights; however, credible evidence suggested that women encountered considerable discrimination in employment. Job advertisements often specified sex and age groups and at times physical appearance as well. NGOs continued to accuse the Government of condoning discrimination against women, contending that the Government seldom enforced employment laws concerning women. Employers often preferred to hire men, thereby saving on maternity and childcare costs and avoiding the perceived unreliability that accompanies the hiring of women with small children. Employers also tried to avoid employees likely to invoke the entitlement to a 3 year maternity leave for child care, which could be used in full or in part by the mother, father, relative, or trustee providing the actual childcare. Women continued to report cases in which employers paid them less for the same work that male colleagues performed. According to a 2001 report by the International Labor Organization (ILO), women accounted for approximately 47 percent of the working age population but on average earned only two thirds of the salaries of their male counterparts. Professions dominated by women were much more poorly paid than those dominated by men.

Children

The Government was committed to children's rights and welfare; however, the resources it devoted to the welfare of children were limited. A Family Code regulates children's rights and marriage and divorce issues. Children have the right to free education until grade 11 (or approximately age 17), and school is compulsory until the ninth grade. Boys and girls were treated equally in the school system. While federal law provides for education for all children in the country, regional authorities frequently denied school access to the children of unregistered persons, including asylum seekers, and migrants (see Section 2.d.).

Under the law, health care for children is free; however, the quality varied, and individuals incurred significant out of pocket expenses. More than 4 years after the start of the second conflict in Chechnya in autumn 1999, much of the republic's social and physical infrastructure remains destroyed or seriously damaged. As a result, social services are inadequate and poor, especially in the education, health and water and sanitation sectors. This, combined with the continued instability in the region, continues to threaten the health and well being of children in Chechnya.

No reliable statistics existed on the extent of child abuse; however, anecdotal evidence indicated that child abuse was a problem.

The status of many children has deteriorated since the collapse of communism because of falling living standards, an increase in

the number of broken homes, and domestic violence. In Moscow, approximately 6,000 children per year were brought to the Center of Temporary Isolation of Minor Delinquents (COVINA). These children stayed in COVINA for no more than 30 days. During this period, a child's case was investigated, and his or her guardian was located; however, in 90 to 95 percent of these cases, the police simply returned the children to their families or to the institution from which they had run away. Many officials considered such domestic problems private affairs and preferred not to interfere. Ministry of Labor and Social Protection estimates indicated that approximately 1 million minors spend most of their time on the streets of big cities, neglected by their parents or caregivers. According to data of the Training and Research Center of the Ministry of Education, almost 130,000 new children are registered annually nationwide as lacking parental support and supervision. In St. Petersburg alone, the number of street children was estimated to be between 20,000 and 45,000.

Trafficking in children was a problem (see Section 5, Trafficking).

Troops in Chechnya reportedly placed Chechen boys ages 13 and older in filtration camps where some reportedly were beaten and raped by guards, soldiers, or other inmates. The women's action group "White Kerchief" (Belyy Platok) reported that some federal forces engaged in kidnapping children in Chechnya for ransom.

According to a 2002 report by the U.N. Special Representative for Children and Armed Conflict, Chechen rebels used children to plant landmines and explosives. In September, at least 338 hostages, about half of them children, were killed after terrorists, some of whom were Chechens, took an estimated 1,200 hostages at a school in North Ossetia (see Section 1.g.).

Figures for homeless children were unreliable. According to the Ministry of Labor, estimates of neglected children ranged from 100,000 to 5 million. In 2002, an estimated 681,000 vagrant children were detained by law enforcement agencies, 2.5 times the 2001 rate. Approximately 50,000 adolescents were on the local and federal lists of missing children in 2002, 13.5 percent more than in 2001. The Ministry of Internal Affairs reported that approximately 50,000 children run away from home each year. According to the State Report on the Status of Children in the Russian Federation for 2003 (reporting statistics as of 2002), there were 700,000 street children and neglected children. The number of homeless children reportedly was growing by 100,000 to 130,000 every year and had reached about 1 million, according to Human Rights Ombudsman Vladimir Lukin; however, estimates from NGOs were much higher. Moscow authorities indicated that 40,000 working street children lived in the capital but claimed that 80 percent were from places other than Moscow. Homeless children often engaged in criminal activities, received no education, and were vulnerable to drug and alcohol abuse. Some young girls on the street turned to, or were forced into, prostitution in order to survive.

In the St. Petersburg region, local government and police ran various programs for homeless children and cooperated with local NGOs; however, resources were few and overall coordination remained poor. Local and international NGOs provided a variety of services for the homeless. Many Moscow charitable organizations have established productive relations with the city government to address the needs of children with disabilities, as well as other vulnerable groups. In St. Petersburg, the ILO ran a drop in center for runaways and homeless children; Road to Light has a shelter there for abused girls and an independent living program for children in institutions to train them in life skills.

Assistance to, and accommodation for, children with disabilities continued to be seriously inadequate (see Section 5, Persons with Disabilities). The Rights of the Child Program called for the establishment of an ombudsman for the rights of children with the power to enter and inspect children's facilities at any time without advance notification. The Ministry of Labor and Social Development continued to work with UNICEF on a pilot program to establish regional children's rights Ombudsmen. According to the Ministry and the Rights of the Child NGO, there were 15 such Ombudsmen, including in the cities of Yekaterinburg, St. Petersburg, and Arzamas Volvskiy, and in the regions of Velikiy Novgorod, Chechnya, Ivanovo, Kaluga, and Volgograd. An Ombudsman may only write a letter requesting an inquiry by law enforcement authorities, assist those whose rights have been violated to understand their legal rights, and make suggestions to legislators (local, regional, and federal) on ways to improve legislation.

Conditions for children in prisons and pretrial detention were problems (see Sections 1.c. and 1.d.).

Trafficking in Persons

The law prohibits trafficking in persons; however, trafficking in women and children continued to be a problem. The Government at all levels appeared committed to combat it. In October 2003, President Putin decried human trafficking as a "modern form of slavery"; however, there continued to be allegations that the corruption of government officials facilitated trafficking, although it was difficult to ascertain the scope of such corruption. During the year, the State Duma passed witness protection legislation, scheduled to take effect at the beginning of 2005, that covered trafficking victims. A number of trafficking prosecutions were pending utilizing both traditional criminal statutes and December 2003 amendments to the Criminal Code that for the first time criminalized trafficking.

The December 2003 amendments that criminalized human trafficking and the use of forced labor also expanded criminal liability for recruitment into prostitution, organization of a prostitution business, and the distribution of child pornography. Pursuant to these articles, if certain aggravating factors are established, trafficking and use of slave labor are each punishable by a maximum of 15 years imprisonment, recruitment into prostitution is punishable by a maximum of 8 years, the organization of a prostitution business is punishable by a maximum of 10 years, and the manufacture and distribution of child pornography is punishable by a maximum of 8 years.

Law enforcement agencies continued to be involved in and to support a number of domestic and international human trafficking prosecutions. The Deputy Chief of the MVD Investigation Committee detailed four new prosecutions at an IOM conference, specifically discussing a trafficking case in Rostov on Don with victims who were transported to Cyprus; a joint Russian Dagestani trafficking investigation and prosecution; an investigation of Children from Volgograd being trafficked to Italy; and a trial in Yaroslavl. The Russian police, working closely with Israeli law enforcement agencies, arrested eight individuals involved in a Russian Israeli prostitution smuggling ring.

There were no reliable estimates of the scope of trafficking, but observers believe it remained widespread. The country continued to be a source, destination and transit country for human trafficking, particularly of women. Smaller numbers of men were also reported to be trafficked internally for manual labor.

According to the IOM, women have been trafficked to almost 50 countries, including every West European country, the United States, Canada, former Soviet republics, such as Georgia, Middle Eastern countries, such as Turkey and Israel, and Asian countries, including Japan and Thailand. There were also reports of women being trafficked to Australia and New Zealand. Victims often agreed to be transported to one location, only to be diverted to, and forcibly held in, another. Sometimes they were "sold" en route, particularly when transiting the Balkans.

Reports indicated that internal trafficking was also becoming an increasing problem, with women and children being recruited and transported from rural areas to urban centers and from one region to another. Sources reported that traffickers sometimes facilitated the migration of young women from the provinces to the major cities to work in sex industries such as stripping and prostitution. Young women who traveled into Moscow sometimes ended up in prostitution and, once there, found themselves trapped.

There were also reports that children were kidnapped or purchased from parents, relatives, or orphanages for sexual abuse, child pornography, and the harvesting of organs. When police investigated such cases, they sometimes found that these children were adopted legally by families abroad; however, there were confirmed cases of children trafficked for sexual exploitation.

The virtual trafficking of pornographic images of children over the Internet was also a growing problem, with the country having become a major producer and distributor of child pornography in the last few years. This has led to confirmed cases both of sex trafficking of children and of its inverse, child sex tourism to the country. However, the authorities were actively assisting foreign prosecutions relating to child pornography and child pornography web sites located in the country.

Women who have been trafficked abroad and returned seldom reported their experiences to the police and continued to be fearful of retaliation by the traffickers. Some trafficked women were of Russian ethnic origin but citizens of other former Soviet countries, such as Ukraine. Women from such countries as Tajikistan emigrated illegally to seek work, and some may have been victims of traffickers. Some migrants became victims of forced labor once they arrived. According to another IOM Report, women aged 15 to 25, particularly those interested in working overseas, were the most likely to be trafficked. The targets of traffickers were usually unemployed females between the ages of 14 and 45, with females between the ages of 15 and 25 the prime targets. Traffickers offered enough economic hope to persuade even well educated, mature women with job skills to become risk takers and entrust traffickers with their money, documents, and persons. Almost all trafficked women who returned and recounted their experiences reported that they traveled to better their lives through work or marriage abroad. Some knowingly agreed to work in sex industries. But all victims insisted that they never suspected the severity of the conditions, the slavery, or the abuse to which they would be subjected.

According to credible media reports, some employers forced workers from countries of the former Soviet Union to work without pay. Employers or the individuals who brought the workers into the country withheld the workers' passports or other documentation and threatened them with exposure to law enforcement agencies or immigration authorities if they demanded payment. At times, the recruiter demanded part or all of the workers' wages of face deportation. One trafficking researcher indicated that she was aware of a case in which the local police worked with an employer to "shake down" trafficked labor to deprive them of their wages.

Information from foreign prosecutions, academic researchers, and law enforcement sources suggested that small criminal groups carried out most trafficking with the assistance of front companies and more established organized crime groups. Typically, the traffickers used a front company frequently an employment agency, travel agency or modeling company to recruit victims with promises of high paying work overseas. Many placed advertisements in newspapers or public places for overseas employment, some employed women to pose as returned workers to recruit victims, some placed Internet or other advertisements for mail order brides, and some victims were recruited by partners or friends. Once they reached the destination country, the traffickers typically confiscated the victims' travel documents, locked the victims in a remote location, and forced them to work in the sex industry.

Traffickers often used their ties to organized crime to threaten the victims with harm to their families should they try to leave. They also relied on ties to organized crime in the destination countries to prevent the victims from leaving and to find employment for the victims in the local sex industry. Trafficking organizations typically paid domestic organized crime entities a percentage of their profits in return for "protection" and for assistance in identifying victims, procuring false documents, and corrupting law enforcement. They also sometimes paid "protection" money to local organized crime groups in destination countries.

There were reports that individual government officials took bribes from individuals and organized trafficking rings to assist in issuing documents and facilitating visa fraud. Law enforcement sources agreed that often some form of document fraud was committed in the process of obtaining external passports and visas, but they were uncertain to what extent this involved official corruption rather than individual or organized criminal forgery and fraud. There were reports of prosecutions of officials involved in such corruption.

Journalists, politicians, and academic experts stated that trafficking was facilitated and, in many cases, controlled by corrupt elements within the MVD and other law enforcement bodies. Substantial evidence, including information derived from victims, NGOs, foreign law enforcement organizations and criminal prosecutions, suggested that corrupt elements within the Ministry of Internal Affairs protected trafficking organizations and, in many cases, directly operated trafficking and prostitution businesses themselves.

In the past, there were significant complaints that Russian consular officials abroad refused to help trafficked women. However, the Ministry of Foreign Affairs developed guidance for consular officers abroad on how to deal with trafficking victims and has indicated that it is committed to assist repatriation of trafficking victims.

Many of the more than 120 crisis centers and anti trafficking NGOs throughout the country provided information on trafficking, and some provided assistance to victims. Various NGOs rescued victims and helped them to reintegrate upon return to the country. These NGOs received varying degrees of support from regional and local governments. Some were invited to brief local officials and law enforcement personnel, and some provided training to local crisis centers and hospital staff. Significantly, the State Duma Committee on Legislation involved a variety of NGOs in the development of the draft anti trafficking law. Some foreign funded crisis centers, such as the Anna Crisis Center in Moscow and the Women's Center in the Republic of Kareliya, provided psychological consultations for trafficking victims. The Women's Crisis Center in St. Petersburg also provided psychological and legal consultations for trafficking victims. An NGO in Yekaterinburg, the Foundation for Women's Entrepreneurial Support, provided training on trafficking in persons and how to deal with its repercussions.

NGOs also continued their activities in the areas of public education and victim support. For example, during the year, Winrock International continued to provide economic empowerment training to NGOs in a variety of cities in the RFE.

In August, the State Duma passed a witness protection statute that applies to all organized crime cases in which a witness' life or physical safety is in danger; this measure was strongly favored by anti trafficking supporters.

The Government had no official prevention program, but continued to sponsor a number of events designed to raise public awareness of the dangers of trafficking. The Presidential Administration organized a major conference of domestic anti trafficking NGOs in Moscow on January 27, in which senior foreign officials also participated. The State Duma sponsored seven regional conferences throughout the country designed to teach law enforcement officers, NGOs, and public officials about the 2003 amendments to the criminal code and the new witness protection statute, and to address trafficking problems in general to facilitate prosecution of trafficking cases. The Ministry of Internal Affairs sponsored a "Train the Trainer" conference for MVD training staff from all over the country and invited outstanding international experts to participate in and to teach at the conference with the goal of developing trainers for the MVD throughout the country. The Ministry of Internal Affairs worked to develop a pilot anti trafficking awareness program for use in schools.

Persons with Disabilities

Several existing laws are intended to prohibit discrimination against persons with disabilities or to establish conditions of equal rights for them; however, the Government did not enforce these laws. Citizens with disabilities continued to be denied equal opportunity to an education, the right to work, and access to social infrastructure.

Legislative and governmental approaches toward persons with disabilities continued to focus on social protection material aid as opposed to social integration. The few existing laws promoting the integration of persons with disabilities into society lacked implementation mechanisms, for example, laws prescribed penalties on enterprises for failure to build ramps or other accessible features but contain no enforcement mechanisms.

There were an estimated 15 million persons with disabilities, nearly 700,000 of them minors. Persons with disabilities continued to be excluded from the social and political life of their communities and have been isolated from the mainstream community.

Over the past 10 years, with the emergence of NGOs focused on disability and family matters and the passing of instrumental disability legislation, significant changes have occurred to improve the quality of life of persons with disabilities. Employment programs for persons with disabilities have been launched in at least 9 cities (Moscow, St. Petersburg, Tomsk, Omsk, Vladimir, Arkhangelsk, Perm, Yekaterinburg, and Krasnoyarsk), and 40 pre schools adopted inclusive programs in Moscow, St. Petersburg, Velikiy Novgorod, Pskov, and Yekaterinburg. NGOs have made significant efforts in this area, but there was still a lack of government support on issues affecting persons with disabilities.

Despite the promise of these changes, persons with disabilities still faced daily discrimination, as well as physical barriers to education, employment, recreational activities, and family life. Authorities seldom enforced local and federal legislation.

The law on Social Protection of Disabled People, which was scheduled to take effect in January 2005, would replace benefits such as subsidized transportation and medicine with cash payments. The new law raises many questions about the responsibility for implementation of legislation. Advocates of persons with disabilities argued that such persons would be particularly affected since the proposed payments, which are projected to start at \$5 (140 Rubles) a month, would be eroded quickly by inflation and would not be paid in full by regional authorities. They also contended that some of the privileges scheduled to be eliminated, such as job guarantees for persons with disabilities, would not be subject to any monetary compensation.

The law requires that firms with more than 30 employees either reserve 3 percent of their positions for persons with disabilities or contribute to a government fund to create job opportunities for them; the legislation scheduled to take effect in January 2005, would change the minimum number of employees to 100 and substitute a 2 to 4 percent quota to be decided at the regional level. In addition, the law cancels the fine that employers once paid for not observing this quota. The only exception is for employers in Moscow, where officials have agreed to continue fining businesses for not observing the quota.

The law also modifies earlier language defining an "invalid" as a person unable to work. Perspektiva, a disability rights NGO, feared that some disability payments might be taken away by the new law if a person with disabilities is considered able to work, even though that individual may not in fact be able to find a job.

Some persons with disabilities found work within factories run by the All Russian Society for Persons With Disabilities; however, most were unable to find employment. Local authorities, private employers, and tradition continued to discourage persons with disabilities from working, and they were usually forced to subsist on social benefits.

The authorities concerned with children with disabilities continued to focus their attention on orphans and those who have been removed from mainstream society and isolated in state institutions. The authorities generally believed in segregating children with disabilities from mainstream society in special institutions rather than integrating them into the community. A complex and cumbersome system has developed to manage the institutionalization of some children until adulthood; three different ministries (Education, Health, and Labor and Social Development) assumed responsibility for different age groups and categories of orphans. Observers concluded that the welfare of the children was lost within the bureaucracy, and little clear recourse existed in instances of abuse by the system. Human rights groups alleged that children in state institutions were provided for poorly and in some cases were abused physically by staff. Life after institutionalization also posed serious problems; children often lacked the necessary social, educational, and vocational skills to function in society.

The label of imbecile or idiot, which was assigned by a commission that assesses all children with developmental problems at the age of 3 and which signified uneducable, almost always was irrevocable. Even the label of debil lightly retarded followed an individual throughout life on official documents, creating barriers to employment and housing after graduation from state institutions. This designation was increasingly challenged in the case of children with parents or caregivers, but there was no one advocating for the rights of institutionalized children. A study conducted 1998 by the Rights of the Child NGO under the Moscow Research Center for Human Rights found that upon graduation at the age of 18 from a state institution for the lightly retarded, 30 percent of orphans became vagrants, 10 percent became involved in crime, and 10 percent committed suicide. The existing system provided little oversight and no formal recourse for orphans who had been misdiagnosed as mentally ill or retarded or who were abused or neglected while in state institutions. Facilities to which such children were remanded frequently used unprescribed narcotics to keep children under control. While this study is nearly 10 years old, Right of the Child representatives indicated that directors of such institutions continued to give very pessimistic assessments of the situation.

Youths with disabilities not in institutions, and their parents, faced significant barriers to education, including schools that were not accessible. There was little or no accessible transportation. At the same time, the "home program" for children with disabilities was highly inferior to school classes. Children with disabilities were often marked as "un—educable." Those who attended university received no additional services or assistance. The majority of teachers and administrators in schools and universities had little or no understanding of disability issues. Often, parents of children without disabilities were averse to their children studying with children with disabilities.

Ministry of Education figures for 2003 indicated that nearly 200,000 of the country's 467,000 children with disabilities of school age were not accounted for and many may have been getting no education at all. Approximately 260,000 were studying at specialized schools where they were isolated from other members of the community and getting an inadequate education. Moreover, many of these children were forced to study far away from home as only a small number of cities have specialized schools. Approximately 30,000 children with disabilities studied at home, where they were isolated from their peers, getting an inadequate education and infrequent visits from teachers. Because almost all children with disabilities were at home or in specialized schools, they were not being prepared for life in the community, pursuing further education or finding employment. In Nizhny Novgorod, fewer than 200 of the approximately 8,000 young adults with disabilities were enrolled at universities during the year.

Primary and secondary schools effectively excluded children with disabilities by requiring parents to produce a medical certificate affirming that the child was in perfect health. A shortage of qualified teachers and specialists for different categories of disabled children, a lack of methodologies, and the inaccessibility of the schools contributed to the problem. Families with such children are supposedly entitled to special education, home school training, or other compensation, but may need to resort to legal action to receive their entitlements in full. Other problems that parents faced included unawareness of the human and legal rights of their children and lack of experience in dealing with government officials. Collectively, parents suffered from inadequate

cooperation with each other and insufficient integration with other NGO's working on social issues.

Federal law on the protection of persons with disabilities requires that buildings be made accessible to the disabled, but there were few regional mechanisms to implement this legislation and the authorities generally did not seek to enforce it.

Disability NGOs, such as Perspektiva and the Independent Living Network, continued to work to broaden public awareness and understanding of problems concerning accessibility, employment, and inclusive education for persons with disabilities by conducting workshops, roundtables with public officials, and training programs for persons with disabilities, their parents, school administrators, teachers, and lawyers.

National/Racial/Ethnic Minorities

The Constitution prohibits discrimination based on nationality; however, Roma, persons from the Caucasus and Central Asia, and dark skinned persons faced widespread governmental and societal discrimination, which often was reflected in official attitudes and actions (see Section 1.c.). Racially motivated violence increased. Muslims and Jews continued to encounter prejudice and societal discrimination; it was often difficult to separate religious from ethnic motivations (See Section 2.c). Human rights observers noted that considerable legislation prohibits racist propaganda and racially motivated violence but complained that it was invoked infrequently.

Monitoring by the European Roma Rights Center (ERRC) revealed "alarming patterns of human rights abuse of Roma" in the country. The 2002 census estimated a Romani population of 182,000, but unofficial estimates put it at 1.2 million. The ERRC said that the media's frequent association of Roma with drug dealing was a problem because it provided the context for many of the human rights violations Roma experience: Torture and abuse by law enforcement officials; arbitrary police raids on Romani settlements; abduction and extortion of money by police; discrimination in the criminal justice system; violence at the hands of paramilitary and nationalist extremist groups; hostile portrayals in the media; unwillingness of local officials to provide personal documents; and poor access to jobs, education, and housing.

Evidence of widespread police violence against Roma was provided by the ERRC, although the abuse was rarely reported to higher authorities. Most police abuse during the year, according to the NGO Roma Ural, occurred during identity checks or when Romani settlements were raided. Roma often explained that it was cheaper and better to pay bribes to police than to obtain regular citizenship documents, which may cost even more in bribes.

New federal and local measures to combat crime continued to be applied disproportionately to persons appearing to be from the Caucasus and Central Asia. Police reportedly beat, harassed, and demanded bribes from persons with dark skin, or who appeared to be from the Caucasus, Central Asia, or Africa. Azerbaijani vendors alleged police frequently used violence against them during document checks at markets in St. Petersburg.

Authorities in Moscow subjected dark skinned persons to far more frequent document checks than others and frequently detained them or fined them amounts in excess of permissible penalties. Police often failed to record infractions by minorities or to issue a written record to the alleged perpetrators. Law enforcement authorities also targeted such persons for deportation from urban centers. Chechens in particular continued to face great difficulty in finding lodging in Moscow and frequently were forced to pay at least twice the usual rent for an apartment.

There was also evidence of societal hostility on ethnic and racial grounds. Despite appeals for tolerance during the year by President Putin and other senior officials, violence and societal prejudice against ethnic and national minorities, as well as against foreigners, increased. During the year there were numerous racially motivated attacks on members of minority groups and foreigners, particularly Asians and Africans. The approximately 1,000 African students in Moscow were routinely subjected to assaults and abuse. An informal 2002 survey of Africans, mostly students and refugees, indicated that nearly two thirds reported having been physically attacked in Moscow because of their race. Fifty four percent were verbally insulted by the police because of their race. The 180 students questioned reported experiencing 204 attacks, 160 of them reported to the police, resulting in 2 convictions.

Attacks were generally carried out by private individuals or small groups inspired by racial hatred. Law enforcement authorities knew the identity of some of the attackers based on their racial intolerance or criminal records. During the year, members of ethnic or racial minorities were the victims of beatings, extortion, and harassment by skinheads and members of other racist and extremist groups. For example, the press reported that on September 20 a group of up to 50 young persons beat and stabbed 4 individuals from the Caucasus region on the Moscow subway. Police rarely made arrests in such cases, although many such incidents were reported by human rights organizations. Many victims, particularly migrants and asylum seekers who lacked residence documents recognized by the police, chose not to report such attacks or experienced indifference on the part of police.

Skinheads, who began to appear in the early 1990s, numbered approximately 50,000 in hundreds of organizations at year's end, according to the Ministry of Internal Affairs. The Ministry reported that there were approximately 5,000 skinheads in Moscow.

There has been no significant progress in the investigation of a group of seven alleged skinheads that attacked a group of Kurdish and Turkish children from Germany in a St. Petersburg subway station in April 2003. An investigation was opened only

after the German consulate lobbied local authorities.

Most authorities appeared unwilling to acknowledge the racial motivation behind antisocial brutality. For example, in St. Petersburg, where observers noted an increase in ethnic hostility, law enforcement officials often characterized perpetrators of hate crimes as spontaneous "hooligans," denying the existence of organized skinhead groups there. The City Administration and law enforcement agencies did not do enough to address the issue because of lack of resources and, in some cases, sympathy with nationalistic causes among working level staff. According to press reports, between January and July, four killings, six physical attacks, and three acts of vandalism in St. Petersburg appeared to have been motivated by ethnic hatred. In all cases the attackers were wearing skinhead attire or proclaimed nationalist slogans.

According to the MVD, 283 crimes were committed against foreign students during the year. Most of the crimes were thefts (about 43 percent) and robberies. This year most of the victims were students from China and other Asian and African countries. One third of such crimes were committed in St. Petersburg. On October 13, a 20 year old student from Vietnam was killed by a group of about 20 skinheads in St. Petersburg. Several skinheads were detained. Over 200 students from Vietnam gathered next day in protest and demanded that a fair investigation be conducted. On October 2, an Afghan native was killed in St. Petersburg. The Afghan Diaspora is certain that militia was directly involved in this murder. The investigation is still ongoing. On May 31, in St. Petersburg a student from Libya (son of the Cultural Attaché from the Libyan Embassy in Moscow), died in a hospital of knife wounds. A criminal case was initiated, but no one was detained.

In Moscow, in January, an ethnic Nanay student of the Peoples of the North Institute was killed on the way to his dormitory. In February, a 9 year old Tajik girl was killed when a group of young men, shouting "Russia for the Russians," attacked a Tajik family of three. The girl died of multiple stab wounds. In May, the son of a cultural attaché of the Libyan Embassy was knifed near the apartment he was renting. A group of 20 50 skinheads attacked four individuals from the Caucasus in a Moscow metro in September. The victims were brought to hospital with knife wounds and broken arms and legs. In Voronezh, in October, a student from Kenya was beaten; two of the attackers were detained. The incident happened 10 days after a first guilty verdict in relation to another hate crime was announced in Voronezh. Two adults were sentenced for 17 and 10 years in prison and a teenager was sentenced for 9 years in a juvenile institution for murder of a student from Africa committed in February.

On June 19, Nikolay Girenko, an expert on hate crimes and senior researcher of the Museum of Anthropology and Ethnography at the Russian Academy of Sciences, was killed in his apartment in St. Petersburg. An unidentified individual rang the doorbell and shot Girenko through the wooden door with a sawed off rifle. Girenko's colleagues from the Citizen's Watch and Light Center NGOs (where he was a long term collaborator on tolerance programs) were certain that the motive for the killing was Girenko's professional activity. He was an official expert for the Prosecutor's Office in a number of high profile court cases involving ethnic and religious issues, including the case of Moscow Sakharov's Center employees who were charged with inflaming ethnic hatred for hosting the exhibition "Danger, Religion!" Girenko disagreed with prosecution experts and denied that there were grounds for the charges, and partly as the result of his testimony the court returned the case to the prosecutor's office in June for further investigation.

Shortly after the killing of Girenko, a previously unknown organization, "Russian Republic," pronounced a death sentence on Girenko on its website and announced that the sentence had been carried out. St. Petersburg prosecutors reportedly issued a summons to the authors of the "Russian Republic" website, but a journalists' NGO indicated that those behind the website had decided to ignore the summons. There was no indication by year's end that the St. Petersburg authorities had pursued the case further.

In September 2003, the courts acquitted Pavel Ivanov, editor of the Velikiy Novgorod newspaper Russkoye Veche, of printing articles hostile to minorities in his newspaper. Ivanov had been charged in 2002 with inflaming ethnic hatred. Nikolay Girenko, the ethnicity expert who was killed in June, had been an expert witness in this case.

The Constitution makes provision for the use of national languages alongside the official Russian language and states that each citizen shall have the right to define his or her own national identity and that no citizen shall be required to state officially his or her nationality.

Indigenous people

The law provides for the support of indigenous ethnic communities, permits them to create self governing bodies, and allows them to seek compensation if economic development threatens their lands. In some areas, local communities have organized to study and make recommendations regarding the preservation of the culture of indigenous people. Groups such as the Buryats in Siberia and ethnic groups of the North (including the Enver, Tatarli, Chukchi, and others) continued to work actively to preserve and defend their cultures as well as the economic resources of their regions. Most affirmed that they received the same treatment as ethnic Russians, although some groups believed that they were not represented or were underrepresented in regional governments. The principal problems of indigenous people remained the distribution of necessary supplies and services, particularly in the winter months for those who lived in the far north, and disputed claims to profits from exploitation of natural resources. In May, the Ministry of Natural Resources, gave the Chukotka Association of Traditional Marine Mammal Hunters, a native NGO, the right to distribute whale harvest quotas to the native hunters of Chukotka. This gave the Chukotka hunters greater control over the renewable resources upon which they depend.

Some groups in the far eastern part of the country criticized the Government for not developing an overall concept for the

development of indigenous people. Responsibility for government policy toward indigenous people had been transferred between government agencies several times in earlier years.

Other Societal Abuses or Discrimination

People with HIV/AIDS often found themselves alienated from their families, their employers, and medical service providers. For instance, a 2003 study of 470 citizens with HIV found that: 10 percent had been forced to leave home by their families, 30 percent had been refused health care, 10 percent had been fired, and almost 50 percent were required by their doctors to give detailed personal information about their sex partners.

Although homosexuality is not illegal, many male homosexuals continued to be discriminated against by all levels of society. Medical practitioners continue to limit or refuse health services due to intolerance and prejudices towards this marginalized and high risk group. According to recent studies, male homosexuals were often refused work due to their sexuality and therefore further marginalized from society. Openly gay men must keep a constant watch against being targeted for skinhead aggression, which was often met with law enforcement indifference.

Section 6 Worker Rights

a. The Right of Association

The law provides workers with the right to form and join trade unions; however, in practice, government policy and the dominant position of the Federation of Independent Trade Unions of Russia (FNPR) limited the exercise of this right. Approximately 60 percent of the work force (an estimated 68 million workers) was unionized, and approximately 10 percent of union members belonged to independent free trade unions.

The FNPR claimed the membership of approximately 60 percent of all workers, although observers concluded that 50 percent appeared to be a more accurate estimate. The FNPR largely dominated the union movement, and this dominance constituted a practical constraint on the right to freedom of association. Trade union control over the distribution of social benefits at the federal level effectively ended in 1991, but the FNPR, as the owner of many service facilities and the largest grouping of unions, continued to play a significant role at the municipal and regional level in setting priorities for the distribution of social benefits, such as child subsidies and vacations, based on union affiliation and politics. Such practices discouraged the formation of new unions. Trade unions maintained that the consolidation of social security assets in the federal budget and the additional layer of bureaucracy in the distribution of social benefits have led to reduced benefits for workers and the public in general.

FNPR unions frequently included management as part of the bargaining unit or elected management as delegates to its congresses. The FNPR and other trade union federations acted independently on the national political level, but in some cases FNPR unions were affiliated closely with local political structures. Political parties often cooperated with unions, for example, in calling for a national day of protest.

Approximately half of the court cases on the right of association were decided in favor of employees, although fewer than 50 percent of cases were decided within a year, and enforcement of court decisions remained a problem. Employees tended to win their cases in court but only if they were prepared to appeal through a protracted and time consuming process. Many remained reluctant to do so. Most workers did not understand or have faith in the legal structure and feared possible retaliation.

There were incidents of cooperation between company management and FNPR local unions in successful efforts to discourage the establishment of new unions. The Russian Railways Trade Union, an affiliate of the FNPR, signed a collective bargaining agreement with Russian Railways after apparently illegally excluding an independent trade union from negotiations. The Russian Railways Trade Union has established a goal of signing up all railroad workers as members, which would necessitate the end of the independent trade union.

The law requires trade unions to register and specifies that registration requires a simple "notification" and submission of documents to the authorities; however, in practice, many trade unions remained unregistered because local departments of the MOJ throughout the country continued to ignore the established procedures and refused to register new unions without changes in charter documents or confirmation of attendance at founding conferences. As a result of such practices, new organizations such as local branches of the Russian Trade Union of Locomotive Brigades of Railway Employees (RPLBZh) remained unregistered and existing organizations that had been required to reregister had not done so.

According to the Labor Code, organizations or trade unions may represent workers' rights at the enterprise level (see Section 6.b.). However, such organizations were structurally dependent on a higher union body. By thus restricting the authority to represent workers at the enterprise level to entities that are structurally dependent on higher union bodies, the new Labor Code restricts the ability of workers to determine their own union structures. Labor experts viewed this as a clear violation of freedom of association principles (ILO Convention No. 87). In March, the ILO Committee on Freedom of Association requested that the Government clarify whether local "stand alone" trade unions could represent workers in collective bargaining.

The Labor Code and Trade Union Law specifically prohibit anti union discrimination; however, anti union discrimination remained a problem. Union leaders have been followed by the security services, detained for questioning by police, and subjected to heavy fines, losses of bonuses, and demotions. A trade union leader at the Moscow Cash and Carry supermarket chain was apprehended during the year on suspicion of shoplifting stockings worth approximately \$.60 (18 rubles). For several days in a row she was taken to court in a police vehicle and threatened with prosecution even though an offense of this nature would not normally warrant police attention. Trade Union activity by members of the Russian Trade Union of Locomotive Brigades of Railway Employees has led to harassment, including denial of free train travel to which the members are entitled. In 2003, the ILO Committee on Freedom of Association called on the Government to investigate complaints that since November, 2000 members of the Russian Federation Water Transport Workers Union had been pressured by Novorossiysk Trade Sea Port JSC to leave the union and join a company controlled organization posing as an alternative union.

b. The Right to Organize and Bargain Collectively

The Labor Code gives employers considerable flexibility in dealing with labor relations. Under the Code, collective bargaining agreements remain mandatory if either the employer or employees request them. Both sides are obligated to enter into such negotiations within 7 days of receiving a request, and the law sets a time limit of 3 months for concluding such agreements. Any unresolved issues are to be included in a protocol of disagreement, which may be used to initiate a collective labor dispute.

Despite these requirements, employers continued to ignore trade union requests to negotiate collective bargaining agreements. In July, pilots at Bashkir Airlines went on strike to protest management's refusal to enter into collective bargaining negotiations. Moscow Railways has refused to negotiate a collective bargaining agreement with the RPLBZh.

The Government's role in setting and enforcing labor standards was diminished under the 2002 Labor Code, and trade unions were expected to play a balancing role in representing workers' interests. However, observers criticized the absence of clear enforcement mechanisms to ensure that an employer engages in good faith collective bargaining and other obligations, and provisions that favor the designation of a majority union as the exclusive bargaining agent. For example, if more than one trade union is represented at an enterprise, the Code calls for the formation of a joint body based on proportional representation to select a single representative body for workers during the collective bargaining negotiations. If the unions fail to agree on such a body within 5 days, the trade union representing the majority of workers at the enterprise has the right to represent all workers during these negotiations. While minority unions retained their seats at the negotiating table with the right to join the negotiations up until the actual signing of an agreement, labor experts stated that in many cases, particularly outside of Moscow and St. Petersburg, the above measures encouraged larger trade unions to obstruct the formation of a negotiating team to ensure their designation as exclusive bargaining agents.

Labor experts also were concerned about a number of other provisions of the Labor Code. The stipulation that there may be only one collective agreement per enterprise, covering all employees, limits the ability of professional or "craft" unions (the majority of new unions in the country) to represent their members' interests. In March, the ILO Committee on Freedom of Association requested that the Government amend the Labor Code to allow collective bargaining at the occupational level. In some regions, existing unions were under increasing pressure from employers under the new labor relations scheme.

Collective bargaining agreements had been registered officially by an estimated 16 to 18 percent of enterprises; however, the FNPR claimed that approximately 80 percent of its enterprises had concluded such agreements. This apparent discrepancy appeared to be due in part to agreements that were concluded but not registered with the Ministry of Labor. Under the Labor Code, all parties to the agreement must register collective bargaining and wage agreements within 7 days of signature; however, there are no sanctions in the event that a collective agreement is not registered. The Code states that collective agreements become effective upon signature, regardless of whether they are registered or not. Ambiguity concerning the employer's legal identity made some collective agreements ineffective. This lack of clear identification under the law made tripartite wage agreements (with labor, management, and government participation) non binding at the municipal, regional, national, and industrial levels and brought their legal validity into question. Even when an agreement was signed, employers often claimed subsequently that the "employer representative" had not been authorized to represent the factory involved.

Ministry of Labor officials estimated that there were slightly more than 2 million labor violations in 2001 (the latest year for which data was available). The Moscow Labor Arbitration Court handles labor violations and disputes when both sides voluntarily agree to abide by its recommendations. It handles several cases a year. The court is a pilot project and was expected to lead to a system of similar arbitration courts in various regions. However, a shortage of resources limited the creation of additional courts.

The law provides for the right to strike; however, this right remained difficult to exercise. Most strikes were considered technically illegal, because the procedures for disputes were exceedingly complex and required the coordination of information from both sides. Civil courts could review strikes to establish their legality. The Labor Code further limits workers' and trade unions' ability to conduct strikes. A strike may be called only after approval of the majority of participants at a conference composed of at least two thirds of all workers, including management, at an enterprise. On March 24, the ILO Committee on Freedom of Association requested that the Government amend the Labor Code to lower the quorum required for a strike ballot. The Committee also requested the amendment specify that unions are not to be legally obligated to indicate the duration of a strike. There had been no change by year's end.

The law specifies that a minimum level of essential services must be provided if a strike could affect the safety or health of

citizens. Under this definition, most public sector employees could not strike. After a trade union declares a strike, the trade union, management, and local executive authority have 5 days to agree on the required level of essential services. If no agreement is reached which was often the case the local executive authority simply decrees the minimal services and often sets them at approximately the same level as the average workload. During the year, the ILO Committee on Freedom of Association requested that the Government amend this section of the Labor Code and provide for an independent body to establish minimum services. The civil court has the right to order the confiscation of union property to settle damages and losses to an employer if a strike is found to be illegal and not discontinued before the decision goes into effect. As a result, an increasing number of strikes were organized by strike committees rather than by unions.

There were no prolonged strikes during the year. Overall strike activity remained relatively low, with only 11 strikes of a day or longer officially registered through October. In October, a 1 day strike by public sector workers, mostly teachers, produced a spike in strike statistics. Court rulings have established the principle that nonpayment of wages—estimated to be the cause of 90 percent of labor disputes is an individual matter and cannot be addressed collectively by unions. As a result, a collective action based on nonpayment of wages was not recognized as a strike. Such actions occurred regularly, particularly in newly privatized companies with contracts to provide public services. The labor law does not protect individuals against being fired while on strike.

The law prohibits strikes in the railway and air traffic sectors, at nuclear power stations, and by members of the military, militia, government agencies, and disaster assistance organizations. As a result, workers in these professions at times resorted to other forms of protest such as rallies, days of action, or hunger strikes. The law prohibits reprisals for strikes; however, reprisals were common, and included threats of night shifts, denial of benefits, and firing.

Company management has sometimes sought to reorganize enterprise operations in order to break up unions that conducted strikes. In June 2003, the ILO Freedom of Association Committee noted the Government's "total lack of cooperation" in investigating such a case involving a labor dispute dating back to 1997 between a local independent union of dockworkers and the management at the Kaliningrad port. On October 19, the ECHR accepted the case at the request of the dockworkers' union but was not expected to decide it until summer, 2005.

The Government did not rescind its December 2002 refusal to permit the longtime director of the Solidarity Center, an NGO that provided technical assistance and training to workers and promotes cooperation among labor, management, and Government, to reenter the country, despite lobbying by domestic NGOs, some members of the Duma, and some in the international community. The refusal apparently was related to her activities in support of worker rights. Officials indicated that her refusal could not be reviewed until 2007. They permitted a temporary director to enter the country to close the office.

There are no export processing zones. Worker rights in the special economic zones and free trade zones are covered fully by the Labor Code and are the same as in other parts of the country.

c. Prohibition of Forced or Compulsory Labor

The Labor Code prohibits forced or compulsory labor; however, there were instances of the use of forced labor. There continued to be credible reports that significant numbers of foreign workers from other countries of the former Soviet Union were forced to work without pay because their passports were held by firms that brought them into the country (see Section 5). According to an ILO study, most forced labor was connected with illegal migration, that is, persons who entered the country voluntarily, but illegally. Because they were there illegally, they were subject to exploitation. According to the study, employers withheld passports in 20 percent of forced labor cases. A further ILO study completed during the year estimated that at least 2.1 million illegal migrants worked in conditions of forced labor.

There were reports that approximately 4,000 North Koreans were brought into the country to work in the construction and timber industries in the RFE, with salaries remitted directly to their Government. AI charged that a 1995 bilateral agreement with North Korea allows the exchange of free labor for debt repayment, although the Government claimed that a 1999 intergovernmental agreement gave North Koreans working in the country the same legal protections as citizens. Officials reported that up to 6,400 North Koreans were employed in the Russian Far East during the year. Most wages were withheld until the laborers returned home, making the workers vulnerable to deception on the part of North Korean authorities that promised relatively high payments. Military officers reportedly sent soldiers under their charge to work on farms to gather food for their units or perform work for private citizens or organizations. The USMC reported that the practice by officers and sergeants of "selling" soldiers to other officers with a military need for personnel or to perform such private activities as building private dachas constituted forced labor. Such abuses were often linked to units in the Northern Caucasus military district. The largest single group of such complaints the USMC received between January and September 2001 concerned the MVD.

In August, the television station Rossiya reported that dozens of workers died at a slave labor camp in Western Siberia. The owners of the logging company reportedly decided to increase their profits using slave labor. The Kemerovo regional prosecutor's office was investigating the deaths at year's end.

The Labor Code prohibits forced or bonded labor by children; however, there were reports that such practices occurred (see Sections 6.d. and 6.f.). Parents who begged in underpasses and railway stations of larger cities often had their children beg from passersby.

d. Prohibition of Child Labor and Minimum Age for Employment

The new Labor Code retains prohibitions against most employment of children under the age of 16 and also regulates the working conditions of children under the age of 18, including banning dangerous, nighttime, and overtime work; however, the Federal Labor and Employment Service and the Ministry of Internal Affairs, which are responsible for child labor matters, did not enforce these laws effectively. Children were permitted, under certain specific conditions and with the approval of a parent or guardian, to work at the ages of 14 and 15. Such programs must not pose any threat to the health or welfare of children. The Federal Labor and Employment Service, under the auspices of the Ministry of Health and Social Development, was responsible for routinely checking enterprises and organizations for violations of labor and occupational health standards for minors. In 2001, approximately 12,000 cases of child labor violations were reported. There was no reliable information on the number of cases in which an employer or organization was prosecuted for violating laws on child labor. Most serious violations of child labor and occupational health standards were believed to occur in the informal sector. Local police investigations only occurred in response to complaints.

Accepted social prohibitions against the employment of children and the availability of adult workers at low wages generally prevented widespread abuse of child labor. Nonetheless, the transition from a planned to a market economy has been accompanied by an increase in the number of children working and living on the streets. This was largely due to deterioration in the social service infrastructure, including access to education and health care. In some cases, economic hardship eroded familial protection. Parents often used their children to lend credence to their poverty when begging. Homeless children were at heightened risk for exploitation in prostitution or criminal activities (see Section 5).

e. Acceptable Conditions of Work

The monthly minimum wage, essentially an accounting reference for calculating transfer payments, was scheduled to rise to approximately \$26 (720 rubles) on January 1, 2005. The monthly official subsistence level of approximately \$82 (2,396 rubles) was not sufficient to provide a decent standard of living for a worker and family. Approximately 26 percent of the population had incomes below the official subsistence minimum. Average wages rose to approximately \$255 (7,126 rubles) per month, compared with approximately \$187 (5,512 rubles) per month in 2003. However, in some impoverished rural areas, such as the Mary El region, workers on what were once collective farms received as little as \$13 (360 rubles) a month.

The Labor Code retains a standard workweek of 40 hours, with at least one 24 hour rest period, and requires premium pay for overtime work or work on holidays; however, workers have complained of being required to work in excess of the standard workweek (10 to 12 hour days were common), of abrogated negotiated labor agreements, and of forced transfers.

Although the incidence of nonpayment of wages declined, especially in the public sector, it continued to be the most widespread abuse of labor legislation. The AZLK Automobile Factory in Moscow, which went into receivership in 2003, owed workers 3 years of wages. The Labor Code imposes penalties on employers who pay their employees late or make partial payments and requires them to pay two thirds of a worker's salary if the worker remains idle by some fault of the employer. Proving that an employer is at fault, however, was difficult. Wage arrears through November totaled \$732 million (20.1 billion rubles), down from \$1.2 billion (34.7 billion rubles). Only in very isolated instances did some enterprises force their employees to accept payment in barter.

The number of workers who sought to recover unpaid back wages through the court system increased by 10 percent in 2003, but the process remained lengthy. Courts often were willing to rule in favor of employees seeking the payment of back wages, but collection remained difficult. Courts often insisted that cases be filed individually, in contradiction to the Law on Trade Unions, thereby undercutting union attempts to include the entire membership in one case. This insistence also made the process lengthier and more difficult for the affected workers and exposed them to possible retaliation (see Section 6.b.). The practice continued of removing the names of workers who won judgments for back wages, but did not yet receive the wages, from the list of those permitted to buy food on credit from the company store.

The law establishes minimum conditions for workplace safety and worker health; however, the Government lacked the financial and human resources to enforce these standards effectively. Workers wore little protective equipment in factories, enterprises stored hazardous materials in open areas, emergency exits were often locked, and smoking was permitted near containers of flammable substances.

The Labor Code provides workers with the right to remove themselves from hazardous or life threatening work situations without jeopardy to their continued employment; however, labor inspectorate resources to enforce this right remained limited. In addition, workers were entitled to such compensations as shorter hours, increased vacations, extra pay, and pension benefits for working under such conditions; however, the pressure for survival often displaced concern for safety, and the risk of industrial accidents or death for workers remained high. Deaths in mining accidents increased from 98 in 2003 to 147 through December 25.

Mine inspections were ineffective because sanctions for safety violations were weak. Even fatal workplace accidents due to unsafe work conditions often went unpunished. In April, a methane explosion in the Tayzhina coalmine in the Kemerovo region killed 47 workers. A federal government commission found no one culpable for the disaster, but union officials claimed better ventilation and stronger supports could have prevented fatalities.

The law entitles foreign workers residing and working legally in the country to the same rights and protections provided to citizens under the law, and the Labor Code prohibits forced or compulsory labor; however there were reports that foreign workers were brought into the country to perform such work (see section 6.c.). Foreign workers residing and working illegally in the country may be subject to deportation but may seek recourse through the court system. There were credible reports that hundreds of thousands of Ukrainians, Belarusians, Moldovans, and Central Asians were living and working illegally in Moscow and other larger cities for lower wages than citizens and under generally poor conditions.